

9/25/15
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0428-15
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**City of Memphis
Police Division
Inspectional Services Bureau**

Case # I2015-013 Statement of Charges

Officer's Name: Fairley, Armond	IBM # 12629
Rank: POLICE OFFICER II	
Assignment: Raines Station - "C" Taskforce	Date: June 2, 2015

Notice is hereby given that you are being charged with violation(s) of policy, law or regulations as shown below:

- DR 301 Excessive/Unnecessary Force - *10 Day Suspension / Anger Management Class*
- DR 108 Truthfulness - *5 Day Suspension*
- DR 104 Personal Conduct - *5 Day Suspension / Removed from T.F.*

Date of Occurrence: April 2, 2015

Statement of Particulars:

On April 2, 2015, an individual was taken into custody without incident at Kirkwood Road after he shot a Memphis Police Officer. Afterwards, he was transported to the Raines Station, located at 791 East Raines Road. As he walked into the detention area, an officer needlessly kicked the handcuffed prisoner in the back and he fell to the floor. You proceeded to punch the prisoner multiple times as he cowered on the floor, crying out for help. You also struck the prisoner in the head with a plastic container. For these reasons, your actions place you in violation of the Memphis Police Department's DR 301 Excessive/Unnecessary Force policy, which states:

Excessive/Unnecessary Force is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular

circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

By striking a handcuffed prisoner, you needlessly used force and displayed conduct that degrades and disrespects the law enforcement profession. In regards to use of force, The Law Enforcement Code of Ethics states:

A police officer never employs unnecessary force or violence and uses only such force in the discharge of duty as is reasonable in all circumstances. Force is used only with greatest restraint and only after discussion, negotiation, and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer refrains from the unnecessary infliction of pain or suffering and never engages in cruel, degrading or inhuman treatment of any person.

You failed to use restraint in your dealings with the prisoner inside the Raines Station Detention Area. Rather than employ discussion or persuasion to influence the situation, you used force as the first and only response. Consequently, you unnecessarily inflicted pain upon the prisoner.

In addition to prohibiting the unnecessary use of force, the Law Enforcement Code of Ethics outlines how officers should perform in the line of duty. The Code of Ethics states:

A police officer performs all duties impartially, without favor, affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens are treated equally with courtesy, consideration and dignity. Officers never allow personal feelings, animosities or friendships to influence official conduct. Laws are enforced appropriately and courteously and, in carrying out their responsibilities, officers strive to obtain maximum cooperation from the public. They conduct themselves, in appearance and deportment, in a way that inspires confidence and respect for the position of public trust they hold.

When you saw the prisoner inside the detention area, you asked other officers if it was the individual who had shot the police officer. Afterwards, you struck the prisoner multiple times. That interaction discredits your impartiality towards the prisoner. For this reason, you are in violation the Memphis Police Department's DR 104 PERSONAL CONDUCT policy, which states:

DR 104 PERSONAL CONDUCT

The conduct of each member, both on and off-duty, is expected to be such that it will not reflect adversely on other members, the Department, the City of Memphis, or the law enforcement profession. This regulation applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of departmental policy and procedure which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also acts which, although not unlawful in themselves, would violate the Law Enforcement Code of Ethics, and would degrade or bring disrespect upon the member or the Department.

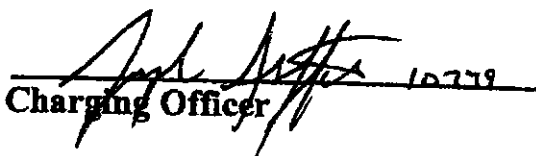
Moreover, you gave deceitful information to the Inspectional Service Bureau regarding this matter. You gave a recorded statement denying that you used any force against the prisoner. You stated your only action was to hold the prisoner down while officers placed him in handcuffs. You never admitted that you struck the prisoner multiple times. However, the investigation revealed that you did strike the prisoner multiple times with hard hand techniques and once in the head with a plastic container. Multiple participants in the incident exposed your involvement. Therefore, you are in violation of the Memphis Police Department's DR 108 TRUTHFULNESS, which states:

DR 108 TRUTHFULNESS

A member shall not give any information, either oral or written, in connection with any assignment or investigation that is either knowingly incorrect, false, or deceitful.

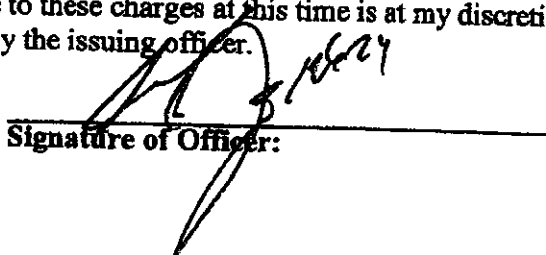
(The officer's disciplinary resume will be reviewed and become a part of this file)


Issuing Officer


Charging Officer 10779

I acknowledge receipt of this notice and understand that further investigation may result in additional charges, amendment of the above charges, or dismissal of these charges.

I further understand that a written response to these charges at this time is at my discretion unless specifically instructed to file same by the issuing officer.


Signature of Officer:

Written Response Ordered? Yes No

Was officer relieved of duty? Yes No

Reviewed by: ^{7/22/15} _{ADP} Dep. Dir. *Stacy H...* Dep. Chief

Work Station Commander

Delegated to: Dep. Chief Station/Bureau

[Signature]
Major/Lt. Colonel/Colonel

**City of Memphis
Police Division
Inspectional Services Bureau**

**Memphis Police Department VS.
Fairley, Armond IBM: 12629**

**Date: June 2, 2015
ISB Case #: I2015-013**

I. Allegation

It is alleged that you used unnecessary force against a prisoner on April 2, 2015, while he was detained at the Raines Station, 791 East Raines Road. During your statement to the Inspectional Services Bureau, you gave deceitful information regarding this allegation.

II. Rules, regulations or orders violated.

DR 301 Excessive/Unnecessary Force
DR 108 Truthfulness
DR 104 Personal Conduct

III. Hearing

Date: 9-18-15
Place: Raines Station
Time: 4 PM

You are entitled to representation during this hearing.

Served by:

St. Robert Chalmers 1578-2013
Name/Rank/Assignment/IBM

Date:

9-11-15

Time:

7:50 AM

Signature of Officer:

[Signature]
12629

YOUR ATTENDANCE AT THE HEARING NOTICED HEREIN IS REQUIRED, UNLESS EXCUSED DUE TO A MEDICAL EMERGENCY. FAILURE TO ATTEND WILL BE CONSTRUED BY THE HEARING OFFICER AS A WAIVER OF YOUR RIGHT TO BE HEARD. ATTENDANCE WILL BE EXCUSED DUE TO A MEDICAL EMERGENCY IN THE SOLE DISCRETION OF THE HEARING OFFICER, AND ONLY IF YOU HAVE DELIVERED, OR CAUSED TO BE DELIVERED, TO THE HEARING OFFICER, PRIOR TO THE HEARING DATE, A WRITTEN STATEMENT OF MEDICAL CONDITION, PREPARED AND SIGNED BY THE YOUR TREATING PHYSICIAN, DESCRIBING YOUR MEDICAL CONDITION AND ADVISING THAT YOU ARE NOT ABLE TO ATTEND THE HEARING AS A RESULT OF SAID CONDITION.

HEARING SUMMARY FORM

0428-15

Hearing:

Date: September 18, 2015

Time: 1400 hours

Location: Raines Station

Attended by: Officer Armond Fairley #12629, Lt. Col. G. Sanders # 8174,
Major J. Clay #1158, Sgt. R. Brown #0047
Union Rep. Officer G. Patrick #10161

Hearing Officer: Colonel J. E. Kirkwood

Statement of Hearing Officer:

On Friday, September 18, 2015, at 1400 hours, the Administrative Hearing was held regarding the Statement of Charges issued against Officer Armond Fairley #12629. The statement of particulars was read and Officer Fairley was asked if he had anything to say in regards to his actions in this matter.

Officer Fairley stated we all make mistakes and I apologize. I asked Officer Fairley did he hit Mr. Jefferson and Officer Fairley stated I possible did, I can't remember. I stated to Officer Fairley coming into a hearing giving a halfhearted response is not good. I asked Officer Fairley again if he hit Mr. Jefferson. Officer Fairley stated he did hit Mr. Jefferson. I asked Officer Fairley did he strike Mr. Jefferson in the face with a plastic bowl. Officer Fairley stated he did. I asked Officer Fairley why did he not admit his wrong when question by ISB. Officer Fairley stated that he knew what he did was wrong and he was afraid of the consequences. Officer Fairley apologized for his actions that violated Mr. Jefferson and cast a shadow over the integrity of the Memphis Police Department. Officer Fairley stated that he regrets his actions on that day and in the future he will not participate in anything that would put him or the department in a negative light.

Union Rep – Officer Patrick stated that Officer Fairley has taken responsibility for his actions. He knew he was wrong but it should be understood that our natural instinct is to hide from our wrongs or try to keep them from being uncovered. Officer Patrick asked for leniency regarding the charge of Truthfulness, due to Officer Fairley speaking the truth in this hearing.

Acting Lieutenant – Sgt. R. Brown is Officer Fairley's immediate supervisor stated Officer Fairley is an outstanding officer who works diligently for the Raines Station Task Force. Sgt. Brown further stated that day was a highly emotional day for the officers on the scene. Sgt. Brown advised that Officer Fairley was wrong and he has admitted so. Sgt. Brown asked that I not sustain the Truthfulness charge because it could be damaging to Officer Fairley's future ability to give creditable testimonies in court. Sgt. Brown stated, he was sure Officer Fairley will never commit any of the mistakes he made on April 2, 2015.

Major Clay was present and added Officer Fairley is one of our better officers. He to advised since Officer Fairley admitted his wrong in the matter and that should be enough to dismiss the Truthfulness charge. Major Clay also advised Officer Fairley could meet opposition from defense attorneys in court if the truthfulness is sustained.

Lt. Colonel Sanders stated that Officer Fairley is an outstanding officer, however, by him admitting his wrong in this matter the day of his hearing raises question regarding his character. Why did he wait so late to tell the truth? Why didn't he change is story during the investigation? After hearing that Officer Rowsey and Mackey had recanted their story why didn't he go and change his statement. Lt. Colonel Sanders add that the day of the shooting was a very emotionally charged day for most of the officers on the scene. Most officers on the scene where young and had not experienced an on-duty shooting of an officer. Lt. Colonel Sanders add, while we understand the anger and frustration, we are called upon not to walk in our emotions but the duty we have been sworn to upheld.

After hearing what each person had to say and reading the statements submitted by the Inspectional Service Bureau, supporting the charges my findings are as follow: April 2, 2015 was a day that was emotionally charged and very stressful because one of our officers, Detective Robert Armour, had been shot in the line of duty. It was a day that many of the officers on the scene had never experience. The suspect, Mr. Daniel Jefferson was apprehended and in our custody without incident. The suspect had not been harmed on the scene of his arrest. The suspect was removed from the scene to the Raines GIB for his safety because of the aforementioned reasons. The Memphis Police Department has the responsibility of ensuring the safety of all suspects taken into custody. The citizens of Memphis has put that trust in the Department to keep all suspects safe and bring them before the magistrate unharmed. Police Officers are charged with the responsibility of serving and protecting all even those we take into custody for criminal violations even if that violation is against a police officer. At no time can we ever become executors of justice. We cannot lose control of our emotions to the point of physically injuring someone while under our care and control. To allow officers to become judge and executioner would erode public trust and the justice we stand for. The injuries Daniel Jefferson received were minor but should not have occurred in the custody of the police. Officer Fairley's actions in this matter violated **DR 301 Excessive / Unnecessary Force** and has brought shame on him and the department. It was Officer Rowsey who kicked Mr. Jefferson in the back while he was handcuffed. It was Officer Rowsey's action that triggered the actions of Officer Mackey and Officer Fairley. Officer Fairley had the responsibility to protect the suspect, Mr. Jefferson from the assault by Officer Rowsey and Mackey. He did not. Instead Officer Fairley joined the assault and violated Mr. Jefferson. Officer Fairley has been entrusted with a great deal of responsibility as a police officers and not being able to maintain control of his emotions in difficult times is not acceptable and will not be tolerated. While Officer Fairley is an officer that is well respected and known for being reliable, he was not on this day. Because of his willful actions on April 2, 2015 the violated **DR 301 Excessive / Unnecessary Force** is **SUSTAINED**. Officer Fairley is being issued a 10 day suspension without pay and he will attend an Anger Management class for this violation.

The conduct of Officer Fairley on April 2, 2015 was shameful at best. While his behavior was shocking to his Supervisors whom admonished the allegation of Officer Fairley beating the suspect, all were left to bare the embarrassment and the violation of their trust in him. This incident was televised on all local media outlets and has help to add to the already negative police climate that we are battling. The Memphis Police Department is a great department and we have a history of holding those responsible for violating the public trust accountable. Officer Fairley did violate **DR 104**

Personal Conduct and the charge is being **SUSTAINED**. Officer Fairley is being issued a 5 day suspension without pay for this violation.

It should be noted that while this was an emotional day that tried Officer Fairley's restraint. His failure to remain in control of his anger brought him to a place of error that shamed not only him but the Department. When asked to submit a memo by his Supervisors, Officer Fairley submitted a memo denying any wrong. When first asked by Detective Joseph Stafford if he had used excessive or unnecessary force against Mr. Jefferson, Officer Fairley again denied any wrong doing on his part. Officer Fairley did not recant his story regarding his actions. Officer Fairley gave his statement on May 5, 2015 and returned on May 22, 2015 to read and sign his statement. At know time during these day did Officer Fairley call to change his statement and after reading what he knew to be untrue he still did not change his statement. Officer Rowsey submitted a memo denying any wrong. Officer Rowsey on May 1, 2015 while giving a statement during the ISB interrogation starting out denying any wrong but stopped during the statement and gave the truth admitting his wrong. Officer Rowsey admitted to kicking Mr. Jefferson in the back while he was handcuffed. Officer Rowsey admitted to Officer Mackey and Officer Fairley beating Mr. Jefferson with him while Mr. Jefferson was handcuffed. Officer Mackey submitted a memo denying any wrong. On May 1, 2015 at 3:28 pm., Officer Mackey gave a statement denying any wrong doing. However after leaving, Officer Mackey contacted a Union Representative to call ISB for permission to come back and recant his statement. On May 1, 2015 at 6:33 pm Officer Mackey returned and recanted his statement. Officer Mackey admitted he helped Officer Rowsey and Fairley assault Mr. Jefferson. Officer Fairley at the beginning of his Administrative Hearing was evasive in his response saying we all make mistakes, I possibly hit Mr. Jefferson. Officer Fairley did finally admit his wrong during the hearing. Officer Fairley advised he knew he had done wrong and was afraid of the consequences. Officer Fairley had plenty of time to correct his statement before his Administrative Hearing. His failure to do so says his intentions was to continue being untruthful. Officer Fairley knew Officer Rowsey and Mackey had changed their statement and yet he did not change his statement. While I understand the fear and need to cover one's wrong. I also know lying can make the situation worse therefore it is always good to tell the truth. To dismiss the Truthfulness charge against Officer Fairley would send the wrong message to the officers who are expected to tell the truth when they are questioned in an investigation. The Memphis Police Department must have officers working for it that will be honest and right regarding all of their actions even in emotional stressful times. Officer Rowsey and Mackey were in fear of the consequences of the wrong actions, yet they gave statements of their guilt during the investigation. Officer Fairley did not. I am glad Officer Fairley did later admit his wrong during the hearing. His admission gives me hope that he is the good officers we believe him to be. Because Officer Fairley did not come forth with the truth during the interrogation process the charge of violating **DR 108 Truthfulness** was **SUSTAINED**. Officer Fairley is being issued a 5 day suspension without pay for this violation.

Officer Fairley was strongly counseled regarding the errors he committed in this matter. Officer Fairley is being issued a total of 20 days suspension without pay and will attend **Anger Management** classes. He is also being removed from the Task Force in an effort to correct this undesirable behavior that reflects negatively on the Memphis Police Department. Officer Fairley was advised that if he should violate this policy in the future, a stronger form of discipline would be forthcoming. The Anger Management Class will be scheduled by Major Beasley and Officer Fairley will be notified when to attend once it has been scheduled. The suspension days will be taken as follow September 24, 2015 through October 14, 2015.

DR 301 Excessive / Unnecessary Force 10 day suspension - Anger Management class
Personal Conduct - 5 day suspension
DR 108 Truthfulness -5 day suspension
Removed from the Task Force


Hearing Officer

Any employee holding a position not exempted from the provisions of Article 34 Civil Service, and not in the initial probationary period, who has been suspended in excess of ten, (10) days, terminated, or demoted, may appeal to the Civil Service Commission within ten, (10) calendar days after notification in writing of such action. In the event of multiple suspensions, only that suspension which causes the total number of days suspended to exceed five, (5) days within a six month period, and any subsequent suspension within said period shall be appeal able to the Commission. If the disciplinary action is 10 days or less, the officer may submit to a grievance procedure or an internal appeal, but not to both.

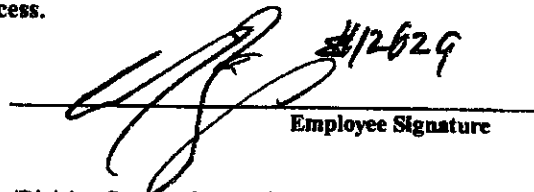
In addition Chapter I Section 5 page 4 states in part: "Commissioned police officers with a status of suspension, probation, non-enforcement, relieved of duty, or leave of absence are not permitted to engage in any Secondary Employment and/or any Off Duty Security Employment where the officer's status is dependant on his/her state commissioned status. No commissioned police officer is permitted to engage in any Secondary Employment and/or Off duty Security Employment for a period of thirty (30) days after the final disposition of (1) any sustained Statement of Charges for violation of the Sick Abuse policy or (2) any sustained Statement of Charges resulting in a suspension and/or reduction in rank" Notification will be made to the Secondary Employment Office regarding this suspension. Violation of the above listed policy could result in additional charges.

Appeal: ___ Will ✓ Will Not Be Filed

Grievance: ✓ Will ___ Will Not Be Filed

I understand that by requesting the grievance procedure that I am waiving my right to recourse through the Internal or Civil Service Commission Appeal Process.

09/23/2015
Date


Employee Signature

Distribution: MPD Human Resources, Branch Commander/Division Commander, Precinct
HSF 07/07



**MEMPHIS POLICE DEPARTMENT
MEMORANDUM**



(Raines Station)


To: Col. Kirkwood

Subject: Hearing

From: A. Fairley #12629

Date: 09/18/2015

On April 2, 2015 after hearing an officer was shot in the Raines Station I left home early to circumvent traffic. I arrived at work around 1230. While I was standing and watching TV, officer Mackey exited the room which now belongs to Raines GIB and asked for a handcuff key. I entered the room and assisted officer Mackey. When I entered the room I observed the defendant lying on the ground being combative. After I learned the defendant was the same individual responsible for shooting an officer, I struck the individual twice in the moment. When asked by Internal Affairs I was not completely forthcoming, due to the fact I knew what I did was wrong and was afraid of the consequences. I would like to apologies for my actions when I struck the defendant casting the whole department in a negative outlook. I also would like to apologies for not being more forthcoming with additional information regarding the situation. While in my hearing I express my remorse regarding the situation to Col. Kirkwood, and regret the actions I took on that day. In the future I will avoid participation in anything that puts myself and the department in a negative light.

 12629

City of Memphis
Police Division, Inspectional Services Bureau
Case Summary I2015-013

Printed On: 1/21/2020

I) Principal Officer:

POLICE OFFICER II N. Gordon # 12462	Raines Station Bravo Task Force
POLICE OFFICER II D. Rowsey # 11435	Raines Station Bravo Task Force
POLICE OFFICER II J. Mackey # 11313	Raines Station Bravo Task Force
POLICE OFFICER II A. Fairley # 12629	Raines Station Charlie Task Force
LIEUTENANT B. Hardaway # 3286	Raines Station Charlie Shift
SERGEANT E. Kelly # 4679	Homicide Bureau

II) Administrative Regulations:

DR-104 Personal Conduct
DR-108 Truthfulness
DR-120 Neglect of Duty
DR-301 Excessive/Unnecessary Force

III) Allegation:

It is alleged that Memphis Police Officers N. Gordon, D. Rowsey, J. Mackey, A. Fairley, and Sergeant E. Kelly used excessive and unnecessary force against Mr. Daniel Jefferson on April 2, 2015 after he was taken into custody for shooting Detective Robert Armour.

IV) Background:

On April 3, 2015, an administrative case was opened after Action News 5 reported that the man suspected of shooting Detective Robert Armour alleged he was beaten by Memphis Police Officers. The suspect, Mr. Daniel Jefferson, claimed that he was taken to the Raines Station, his clothing was removed and he was beaten with chairs and ping pong paddles. Afterwards, he was taken to the Homicide Bureau where he further alleged he was beaten again by police and water was poured in his face in an attempt to drown him.

V) Evidentiary Findings:

A) Statements:

Civilian Complainant Statement: Daniel Jefferson was taken into custody at 12:13 p.m., on April 2, 2015, at Kirkwood Road after he was developed as a suspect in the shooting of Detective Robert Armour. According to Mr. Jefferson, at the location of his arrest, and at two other locations that same day, he was assaulted by Memphis Police Officers.

In his statement to ISB Investigators, Mr. Jefferson alleged that after he was placed in handcuffs and patted down, he was handed off to two male black officers, both wearing a black vest with white words on it. They escorted him from his residence to a marked squad car. Mr. Jefferson referred to one of the officers as being named "Manning", and described him as being short in stature with a little beanie on his head. He later identified "Manning" in a photo line-up as Officer Jeremy Mackey, IBM 11313. The second officer was described as having brown skin and a low haircut. He was clean shaven, had a muscular build, and was approximately six foot tall. He was later identified in a photo line-up as Officer Nicholas Gordon, IBM 12462. According to Mr. Jefferson, as Officer Mackey and Officer Gordon were placing him in the backseat of the squad car, one officer stated, "You want to shoot the police, we got yo ass," and hit him in the face. The other officer punched him in the ribs and they threw him in the squad car where he remained for an unknown period of time.

At some point, two officers, one of which was Officer Mackey, approached the squad car where he was sitting. This time the second officer was someone new and Mr. Jefferson described him as being six-foot-three, about 300 pounds and very muscular. Mr. Jefferson inquired of these two officers, "Y'all ain't gonna beat me up again, is it?," to which, the new officer replied, "You got the right mutha fucker this time." He picked Mr. Jefferson up by his pants and dragged him to the car. The officer hit his head on the door and threw him in the car. Mr. Jefferson advised his mother witnessed these two officers rough him up as he was being moved between squad cars.

Mr. Jefferson advised he was then taken to the police precinct on Raines Road. As soon as he got to the door they just started beating him all in his ribs and back. Mr. Jefferson heard a male white in a suit and neck tie say, "Go take him to the bathroom, don't do it out here." Mr. Jefferson was then escorted to a side room with a ping pong table. Officer Mackey pulled Mr. Jefferson's shirt over his head and started hitting him in the ribs. He then leaned Mr. Jefferson over the table and started hitting him with the ping pong sticks. Officers then picked Mr. Jefferson up by the handcuffs and slammed him to the ground. The entire time, an officer kept saying, "Take the handcuffs off so we can kill him. Take the handcuffs off so we can kill him." Mr. Jefferson balled up on the floor and an officer, whom Mr. Jefferson identified in a photo line-up as Officer David Rowsey, IBM 11435, stated, "It's time to get some WCW shit going on." Officer Rowsey proceeded to hit him with a chair before kicking him in the butt and groin three or four times. Another officer then came and hit Mr. Jefferson in the side of the head with some kind of food container

that Mr. Jefferson described as a "little plastic bucket." The two officers only quit striking him because another officer, who Mr. Jefferson believed to be a lieutenant, entered the room and told them to "cut it out." At that point, Mr. Jefferson started yelling for help. One of the officers pulled out his stick and put it in Mr. Jefferson's ribs and said, "I'm gonna break yo ribs if you don't shut up," and another officer wearing a suit, stated, "I'm mace you myself." Mr. Jefferson advised he stopped talking to avoid being beat again. Officers then said it was "time for round two" and walked him towards the suspect bench. On the way, Officer Rowsey ran and karate kicked him in his back and kept on punching him as he was being handcuffed to the bench. Mr. Jefferson lied to officers and said, "I had an aneurism in my head, I had a blood clot in my head and ya'll keep on hitting me in my head." Officer Rowsey then exited the room and Mr. Jefferson was left alone with Officer Mackey. Officer Mackey began talking to Mr. Jefferson and told him, "I'd rather do it without the handcuffs so we can act like you reaching for the weapon. Then it wouldn't be no, no discrepancy in us killing you".

Mr. Jefferson said officers were then told to take him to Homicide. When he arrived at the Homicide Bureau, "everything was cool" and he didn't have any problems. He spoke with an officer named Kelly. He described Officer Kelly as a "light skinned dude with good wavy hair" that talked "real proper," and later identified Sergeant Eric Kelly in a photo line-up. Mr. Jefferson stated that later on, though, he asked a white officer for a drink of water and the officer said, "I'm gonna go get Kelly." Then, for some unknown reason, Sergeant Kelly entered and "turnt into a beast" and threw the cup of water in his face.

According to Mr. Jefferson, Sergeant Kelly then poured the remaining water on top of his head as someone entered the room with a "little blue light trying to find the gun powder residue". The individual with the blue light attempted to take pictures of Mr. Jefferson, but Mr. Jefferson told him he really didn't want to take the picture. Mr. Jefferson began to wipe the water off his face with his shirt and Sergeant Kelly started hitting him in his face and saying, "Quit wiping your face." Mr. Jefferson stated that at this point his arms and both of his legs were in handcuffs and Sergeant Kelly threw him on the floor, grabbed him by his braids, pulling them up from the root, and hit his head against the wall three times. Sergeant Kelly then held his head while the other individual took pictures of him. Mr. Jefferson advised detectives then asked him to sign some papers and he refused because he wanted to call his attorney. He then told them he needed to go to the hospital because his chest hurt and he couldn't catch his breath. Mr. Jefferson was then taken to an unknown hospital through the back door and received a CAT scan and X-Rays.

When asked about injuries he received while in police custody, Mr. Jefferson advised the majority of his injuries occurred while he was at the Raines Station. According to Mr. Jefferson, his arm, and his left and right wrists, were bruised as he was picked up by the handcuffs and slammed to the ground; his ears, and the left and right side of his face, were bruised as they punched him in his head; he had "knots" on the left side and back of his head from being punched; and his back and shoulder were sore from being kicked in

the back, buttocks, and genitals. Mr. Jefferson advised he possibly had bruising to those areas as well, but was unable to see those regions of his body.

Civilian Witness Statement: Angela Hill, also known as Angelia Hill, is the mother of Daniel Jefferson and resides at the location of Mr. Jefferson's arrest, Kirkwood Road. Ms. Hill was not present when Mr. Jefferson was taken into custody, but arrived on the scene prior to him being transported by officers. According to Ms. Hill, when she arrived, she walked up to the marked squad car where Mr. Jefferson was detained and briefly spoke to him through the closed window. During that conversation, Ms. Hill stated Mr. Jefferson had no visible injuries whatsoever and he did not complain of being injured by the police. She was then asked to step away from the squad car. Shortly thereafter, Mr. Jefferson was removed from that squad car by two male black officers. Ms. Hill watched, less than twenty feet away, as Mr. Jefferson was shifted between squad cars. As he was walking, Mr. Jefferson spoke to Ms. Hill and said that he was "gonna be alright." According to Ms. Hill, at that time he was walking fine and did not appear to have any kind of injuries. Mr. Jefferson walked approximately three car lengths and was placed into another squad car. During the entire time he was being moved between cars, there was no physical contact between the officers and Mr. Jefferson. Then, at approximately two o'clock, Mr. Jefferson was transported from the scene. When asked by ISB Investigators if she knew of anyone that was present during the arrest of her son, Ms. Hill advised her daughter, Whitney Hill, was present.

Ms. Hill advised the next time she had contact with Mr. Jefferson was by phone. Mr. Jefferson called her from 201 Poplar and said, "Momma, they hoarded me," and then detailed how officers "poured water in his face" until he could not breathe, as if they were "trying to drown him". Mr. Jefferson further stated to her that while he was at the Raines Station, officers "beat him with chairs" and hit him with some kind of stick until somebody came in and told them that it was enough. According to her phone conversation with Mr. Jefferson, officers "beat him everywhere except for his face", "all in the nuts...all between his legs, everything except for his face."

Civilian Witness Statement: Whitney Hill is Daniel Jefferson's sister. She was not present during his arrest, but arrived on the scene prior to his departure. Ms. Hill was standing approximately fifteen feet away from Mr. Jefferson as he was being moved from one squad car to another. Ms. Hill advised Mr. Jefferson was sitting on the left side of the squad car when two male black officers wearing all black with "Police" in white letters on their shirt got him out of the car. The officers then began to walk Mr. Jefferson to a second car. As he was walking, Mr. Jefferson kept saying, "Momma I'm ok, momma I'm ok." When he arrived at the second car, officers pushed Mr. Jefferson inside. According to Ms. Hill, it "wasn't a forceful push...it was like, get on in the car." Ms. Hill stated she had a clear view of Mr. Jefferson the entire time he was being moved between cars and at no point did officers hit Mr. Jefferson, slam him against the car, or physically strike him. Ms. Hill further stated that she was unaware if any video was available from Mr. Jefferson's arrest, but believes a friend of his, "Annie", was present during the time he was being handcuffed. Ms. Hill stated she had no contact information for "Annie" and was unable to further identify her.

Principal Officer Statement: Officer Armond Fairley, IBM 12629, is assigned to the Raines Station Charlie Task Force. On April 2, 2015, Officer Fairley arrived at the Raines Station prior to the start of his shift. As he was exiting the bathroom, he observed Officer Jeremy Mackey standing in the entryway of the detention room with the ping pong table. Officer Mackey asked if anyone had a handcuff key. Officer Fairley offered him a key. In the meantime, Officer Fairley observed Officer David Rowsey struggling with a suspect inside the detention area and he could hear the handcuffs clanging. Officer Fairley advised at that time, the suspect, Mr. Jefferson, had one handcuff on his right hand and his left hand was free. Mr. Jefferson was lying on the ground, waving his arms, kicking, and screaming. Officer Rowsey was telling Mr. Jefferson to put his hands behind his back and Mr. Jefferson was refusing.

Officer Mackey ran inside the detention area and Officer Fairley followed. By now, Mr. Jefferson was lying on his stomach. Officer Fairley held down Mr. Jefferson's right arm and shoulder while Officer Mackey held down the left. While he was holding Mr. Jefferson down, Officer Fairley was also attempting to keep Mr. Jefferson from hitting him in the face as he moved his hands back and forth. Mr. Jefferson started saying, "Y'all harassing me," "This is police brutality," and "Help!" Officer McLean soon entered the room and asked officers, "Y'all good?" to which, everybody responded, "Yeah, we got him" and Officer McLean walked back out. The handcuffs were soon back in place. Officer Fairley could not recall who accomplished that task and stated it was more or less a joint effort. By this time, a male white OCU officer with a beard and a female black OCU officer entered the detention area.

According to Officer Fairley, once the handcuffs were in place, he left the detention. He felt Officer Rowsey and Officer Mackey would be able to handle a man lying on the ground in handcuffs without him and he was not on-duty. At no point did he, Officer Rowsey, or Officer Mackey hit, kick, punch, or otherwise strike Mr. Jefferson. Furthermore, while he was in the detention area with Mr. Jefferson, no force was used against him beyond holding him down and the placing of his wrists in handcuffs.

Principal Officer Statement: Officer Nicholas Gordon, IBM 12462, is assigned to the Raines Station Bravo Task Force. On April 2, 2015, at approximately 11:56 a.m., Officer Gordon responded to [redacted] Hester after receiving information that Detective Robert Armour had been shot at that location. The suspect was not on that scene and Officer Gordon changed his location to [redacted] Kirkwood. When he arrived, Officer Quintsontro Irby had the suspect, Mr. Daniel Jefferson, in handcuffs and was standing in the front yard. Officer Irby turned custody of Mr. Jefferson over to Officer Gordon and Officer David Rowsey. They proceeded to walk Mr. Jefferson to Officer Gordon's squad car. According to Officer Gordon, Mr. Jefferson walked on his own with officers holding him in an escort position. There was no verbal exchange between Mr. Jefferson and officers at that time. Officer Gordon patted Mr. Jefferson down and attempted to place him in the backseat. Mr. Jefferson jumped back like he did not want to get inside and Officer Rowsey pushed Mr. Jefferson by the shoulders into the backseat.

When it came time to transport Mr. Jefferson, Officer Gordon noticed his vehicle had a flat tire. Therefore, it was decided that Officer Rowsey and Officer Jeremy Mackey would transport Mr. Jefferson. At that time, Officer Gordon was completing a tow ticket for Mr. Jefferson's vehicle so Officer Rowsey and Officer Mackey moved Mr. Jefferson to Officer Mackey's vehicle. Officer Gordon advised he did not witness the transfer between vehicles and from that point forward, he never saw Mr. Jefferson again. After his tire was repaired, Officer Gordon followed Mr. Jefferson's vehicle as it was towed to the Crime Scene Tunnel for processing.

When questioned about whether or not physical force was used against Mr. Jefferson, Officer Gordon denied any knowledge of force being used. Officer Gordon advised neither he nor Officer Rowsey used any sort of physical force against Mr. Jefferson as they placed him into his vehicle. The only way hands were placed on Mr. Jefferson other than in the escort position was when Officer Rowsey used a "slight" push to get Mr. Jefferson to sit in the backseat. Similarly, he denied having knowledge of any force used against Mr. Jefferson after he arrived at the Raines Station. Officer Gordon advised he never asked and his fellow Task Force partners never advised what happened after Mr. Jefferson left 7 Kirkwood.

Principal Officer Statement: Sergeant Eric Kelly, IBM 4679, is assigned to the Homicide Bureau. On April 2, 2015, Sergeant Kelly was tasked with interviewing Mr. Daniel Jefferson after he was arrested for shooting Detective Robert Armour. When Mr. Jefferson first arrived, he requested something to eat and drink. He was supplied with a Styrofoam cup full of water and some crackers. Sergeant Kelly described the Styrofoam cup as being approximately four to six ounces in volume and unable to hold more than half of a twelve ounce soda. Throughout his time in the Homicide Bureau, Mr. Jefferson requested several more cups of water. Each time, the same Styrofoam cup was refilled. At no time was a greater volume of water brought into the room with Mr. Jefferson than a single cup.

After a period of time, Homicide Detectives utilized an office supplied alternate light source in an attempt to determine if there was gunshot residue on Mr. Jefferson. Detectives were able to detect what appeared to be gunshot residue. After observing the residue, detectives left the interview room. At this point, Sergeant Joe Stark was inside Lieutenant Jeffrey Dickerson's office. Sergeant Stark observed Mr. Jefferson over the interview room camera feed taking his shirt off and wiping himself down. Sergeant Stark brought this to Sergeant Kelly's attention and Sergeant Kelly went to the interview room to check on Mr. Jefferson. Once inside, Sergeant Kelly observed Mr. Jefferson's shirt and face covered in water. He also noticed water on the interview table and chalkboard. Sergeant Kelly advised it appeared Mr. Jefferson had poured a cup of water on himself and was wiping his body down with his shirt in an effort to remove gunshot residue from his person. Sergeant Kelly proceeded to dry the interview table with paper towels, using approximately five. Mr. Jefferson was then handcuffed to prevent further destruction of evidence.

Thirty minutes to an hour later, a Crime Scene Officer arrived at the Homicide Bureau. The Crime Scene Officer attempted to take several photographs of Mr. Jefferson using the alternate light source as he was seated. Mr. Jefferson would not sit still and advised detectives that he was nervous. Sergeant Kelly advised he then asked Mr. Jefferson if it would alleviate his nervousness if he lay down on the ground. Mr. Jefferson said he would "do anything you tell me to do", and voluntarily got onto the floor. Sergeant Kelly advised he believes he removed the handcuffs prior to Mr. Jefferson getting on the floor, but he could not say so definitively. While on the floor, Mr. Jefferson continued to move his head as photographs were being taken. Sergeant Kelly then got onto the floor and placed his hands on either side of Mr. Jefferson's head in an attempt to prevent it from moving from side to side. When asked about the positioning of his hands, Sergeant Kelly could not recall if he had them flat on the ground or balled up in fists. However, he advised he never used his hands to grasp, grab, or squeeze Mr. Jefferson's head. His hands remained passively to either side to keep his head steady. While they were on the floor, Sergeant Kelly did not notice any wetness to the carpet in the interview room.

According to Sergeant Kelly, no force whatsoever was used against Mr. Jefferson during his time in the interview room. Sergeant Kelly advised he never pulled Mr. Jefferson's hair or braids, and at no point slammed Mr. Jefferson's head against any surface. Additionally, he never poured or splashed water onto Mr. Jefferson. Also, Sergeant Kelly was never alone with Mr. Jefferson for more than a few seconds at a time as he peaked inside to check on him and supplied him with food and beverage.

In speaking with Sergeant Kelly numerous times throughout his stay in Homicide, Mr. Jefferson never complained of injury or abuse until the transporting officer arrived to take him down to the Sally Port. Mr. Jefferson had several verbal exchanges with Sergeant Kelly. On more than one occasion he requested food and beverage, asked to use the restroom, and joked back and forth with Sergeant Kelly. However, it was not until he was about to be taken downstairs that he advised something about being beaten and his ribs hurting. Sergeant Kelly passed the information along to his supervisor, Lieutenant Dickerson, and Mr. Jefferson was taken to Regional One by the transporting officer.

Principal Officer Statement: Officer Jeremy Mackey, IBM 11313, is assigned to the Raines Station Bravo Task Force. On April 2, 2015, the last call noted on Officer Mackey's logsheet was at 11:31 a.m., when he responded to a fight call at 4100 South Plaza. However, after that call, Officer Mackey made the scene at Hester, Kirkwood, 791 East Raines, and 201 Poplar. All of those locations were in response to the shooting of Detective Robert Armour. According to Officer Mackey, after hearing that Detective Armour had been shot, he pulled onto the scene at Hester. As soon as he arrived, he received information that the suspect was at Kirkwood and headed that way. However, by the time he arrived, the suspect, Mr. Daniel Jefferson, was handcuffed inside of Officer Nicholas Gordon's squad car. Officer Mackey heard the suspect yelling and screaming through the closed windows, but was unable to discern what he was saying. At that time, he did not appear to have any injuries.

Lieutenant Chalmers soon ordered Officer David Rowsey to transport Mr. Jefferson to the Raines Station. However, Officer Rowsey's vehicle was not on the scene because he left it on Hester, where it was blocked in. Apparently, Officer Rowsey had ridden over to Kirkwood with Officer Gordon, but, once on Kirkwood, it was determined that Officer Gordon's squad car had a flat tire. Therefore, Officer Rowsey asked Officer Mackey to take him and Mr. Jefferson to the Raines Station, 791 East Raines.

Officer Mackey and Officer Rowsey had Mr. Jefferson exit Officer Gordon's squad car and began escorting him to Officer Mackey's vehicle. Once they were close, Mr. Jefferson started moving around and yelling, not wanting officers to touch him. Officer Rowsey told Officer Mackey to get back so he could put Mr. Jefferson in the squad car. Officer Mackey moved to the driver side door and Officer Rowsey "pushed" Mr. Jefferson into the backseat because he would not sit down. Other than that "push", Officer Mackey and Officer Rowsey never laid their hands on Mr. Jefferson except to escort him to the car. When asked if he reported the response to Mr. Jefferson's resistance, Officer Mackey stated they did not because "everybody was right there" watching.

According to the dispatch log, at 1:04 p.m., Officer Mackey drove Mr. Jefferson to the Raines Station along with Officer Rowsey, who was now a passenger in Officer Mackey's vehicle. They arrived at 1:11 p.m., and parked by the rear door. Officer Rowsey got Mr. Jefferson out of the backseat and as they escorted him inside, Mr. Jefferson's pants began falling down. Officer Mackey and Officer Rowsey attempted to pull them up from either side as they entered the rear door. In response, Mr. Jefferson began "resisting," "jiggling," and yelling, "Help, Help!" Lieutenant Byron Hardaway noticed the commotion and came over to speak to them. At this point, they were in the rear common area of the Raines Station by the pool table. Officer LaChristo Flagg, Officer Armond Fairley, and a few other unknown officers were present. Lieutenant Hardaway spoke to Mr. Jefferson for approximately forty seconds then returned to the Charlie Shift Lieutenant Office. Officer Mackey could not recall the content of the exchange between Lieutenant Hardaway and Mr. Jefferson.

Officer Rowsey continued to escort Mr. Jefferson into the "Ping Pong Room" detention area while Officer Mackey lingered in the common area to borrow a handcuff key from Officer Fairley. When he entered the detention room, Officer Rowsey advised Officer Mackey he already had a handcuff key and had already un-cuffed Mr. Jefferson. Mr. Jefferson, now completely unshackled, started "hollering" because Officer Rowsey was trying to pull his pants up again and fell to the ground, face up, while saying, "Don't touch me, I have HIV." Officer Rowsey proceeded to handcuff Mr. Jefferson's leg to the detention bench while he was on the ground and Officers picked him up by the arms and sat him on the bench.

Officer Rowsey then exited the room and Mr. Jefferson began speaking with Officer Mackey. Mr. Jefferson told Officer Mackey that he knew him from somewhere, and mentioned it was probably the Whitehaven area. They continued to have a "casual conversation," in which Mr. Jefferson never made any complaints of injury or

mistreatment at the hands of the police, while Officer Mackey stood at the ping pong table bouncing a ball with a paddle. At some point, Officer Fairley entered the room to retrieve his handcuff key.

After they had been in the detention area for approximately "two and a half minutes," an unknown male white Raines Station GIB Detective briefly entered the room and looked at Officer Mackey in a "pretty crazy" way. Officer Mackey thought the look was possibly due to him bouncing the ping pong ball on the paddle. Officer Rowsey soon returned and informed Officer Mackey they needed to transport Mr. Jefferson to the Homicide Bureau. They proceeded to handcuff Mr. Jefferson's hands and unshackled his foot from the bench. As they were walking him outside, Officer Mario Miller was in the parking lot. Officer Miller gave Officer Rowsey his squad car and got into Officer Mackey's vehicle to begin transport to 201 Poplar at 1:31 p.m. According to dispatch logs, they arrived at 201 Poplar at 1:45 p.m. After taking the elevator upstairs, Officer Miller escorted Mr. Jefferson into the Homicide Bureau interview room while Officer Mackey stood in the common area with detectives. Officer Mackey and Officer Miller remained in the Homicide Bureau until 3:45 p.m., when they returned to service and returned to the Raines Station to sign out.

According to his statement to ISB Investigators, Officer Mackey was inside the detention room with Mr. Jefferson for the entire time he was at the Raines Station except for a few brief seconds he was getting a handcuff key from Officer Fairley. During all that time, Officer Mackey advised he never hit, kicked, or struck Mr. Jefferson in any way whatsoever. Similarly, he did not observe any other officer lay hands on Mr. Jefferson, except for Officer Rowsey as they assisted Mr. Jefferson from the floor after he fell. When pressed with questions regarding his truthfulness and as to why he did not see Officer Rowsey when he was kicking and punching Mr. Jefferson, Officer Mackey continually denied knowledge of force being used against Mr. Jefferson. He maintained that his description of events was a true reflection of what happened and that no force was used against Mr. Jefferson while he was at the Raines Station. He continued on to state that any officer that gave a statement that he, Officer Mackey, used force against Mr. Jefferson was lying because he used the same due care with Mr. Jefferson as he would any other citizen of Memphis.

After Officer Mackey left the Internal Affairs Office, the ISB Investigation received a telephone call from Sergeant Michael Rosario, who is also assigned to the ISB Office. Sergeant Rosario informed the Investigator that he was with the Memphis Police Association Vice President, Essica Cage-Littlejohn, when she received a call from Officer Mackey about a statement he had just given to ISB Investigators. Officer Mackey informed Officer Littlejohn that he wished to return to the ISB Office to "clarify" some things in his statement. The ISB Investigator advised the ISB supervisor, Lieutenant Felecica Adams, of the situation, and Officer Mackey was granted permission to return and give an additional statement.

In his second statement to ISB Investigators, Officer Mackey advised that when he arrived on Kirkwood, Mr. Jefferson was already in the backseat of Officer Gordon's squad car. Officer Gordon's vehicle had a flat tire so Lieutenant Chalmers ordered him to take Mr. Jefferson, with the assistance of Officer Rowsey, to the Raines Station. Thus, Officer Mackey opened the door where Mr. Jefferson was sitting and Officer Rowsey got him out of the backseat. Mr. Jefferson started getting loud and irate and asked, "Is y'all going to beat me too?" They walked to Officer Mackey's squad car. Once there, Mr. Jefferson did not want to get in the backseat. Officer Rowsey told Officer Mackey to get back. Officer Rowsey grabbed Mr. Jefferson and threw him inside the backseat. At that time, Lieutenant Chalmers was standing right beside them.

On the way to the Raines Station, Mr. Jefferson continued talking and acting irate. Officer Mackey turned up the radio volume they did not have to hear him. They arrived at the Raines Station and Mr. Jefferson continued to make comments about shooting Detective Armour. He was being cold-hearted about the situation and acting like he did not care he had shot a police officer. At that time, Officer Mackey thought Mr. Jefferson was possibly a mental consumer because he was acting like he did not have any emotions about shooting the police. As they entered the building, Officer LaChristo Flagg and another officer were standing near the rear door. Officer Rowsey took Mr. Jefferson into the detention area with the ping pong table. Officer Mackey asked Officer Fairley for a handcuff key and entered behind them; the door closed behind him. As soon as Officer Mackey entered the detention area, Mr. Jefferson appeared to snatch away, as he made a snide remark. In response, Officer Rowsey kicked Mr. Jefferson in the back. Mr. Jefferson stumbled forward and landed on his knees. Officer Rowsey then punched Mr. Jefferson twice and officers began rushing inside the detention area. Officer Mackey advised he did not know if Officer Rowsey had taken one of the handcuffs off or Mr. Jefferson had just snatched away, but he lost it and began hitting Mr. Jefferson in the stomach. While Officer Mackey was punching Mr. Jefferson in the stomach, Officer Fairley began striking him. Officer Mackey could not recall if Officer Fairley began kicking Mr. Jefferson or if he was only punching him. He did recall Officer Fairley attempting to strike Mr. Jefferson with a little plastic bucket, but it broke and he did not think it hit him. They tried to pry Mr. Jefferson's hands apart, but were unable to separate them. He believed one of the handcuffs was dangling loose, but could not say who had removed it.

By this point, Mr. Jefferson was screaming for help and there were officers everywhere. Officer Mackey estimated there were at least three to four officers in the room beside him, Officer Rowsey, and Officer Fairley. He believes some of the officers were male black and others were male white. Some had on the standard blue MPD uniform and others had the black throw-over tactical vests. He did not recall seeing anyone that was not assigned to the Raines Station, but he was not sure who all was present. The only officer he could remember seeing was Officer Brandon McLean. Officer Mackey advised he had never been that angry before and was so focused on Mr. Jefferson that he could not recall who else was there or what they were saying.

Officer Mackey did recall someone opening the door and saying, "Stop, it's enough" or something similar. He was not sure who that person was because at the time he was in the middle of the other officers striking Mr. Jefferson. However, it was the voice of a male and, according to Officer Mackey, had to have been a supervisor because everybody striking Mr. Jefferson and those standing around watching stopped immediately. Officer Mackey stated it had to have been a male black supervisor because there were not any male white supervisors there at the time. He assumed everyone got scared because they cleared the room right away. Officer Rowsey pulled Mr. Jefferson over to the detention bench, shackled his leg, and removed the handcuffs. Officer Rowsey then sat Mr. Jefferson up on the bench and exited the room. Officer Mackey was left alone with him. He advised he could not leave because someone had to remain with prisoners at all times inside the precinct. So, he went over to get a ping pong paddle from the cooler where they were stored. He started bouncing the ping pong ball up and down on the table to kill time while he waited. One of the GIB detectives entered the room and said something and immediately left. Shortly thereafter, Officer Rowsey reentered the room.

Officer Mackey and Officer Rowsey did not notify a supervisor of the force they used against Mr. Jefferson nor did they complete a Response to Resistance Form. Similarly, they did not ask Mr. Jefferson if he was injured or get him medical attention. When asked why not, Officer Mackey stated he was just upset and not thinking straight. In the days to follow, Major Kedzie White told Officer Mackey and Officer Rowsey to submit a memo regarding the incident with Mr. Jefferson. Both officers typed memos addressed to Colonel Kirkwood and e-mailed them to Major White to be forwarded.

Principal Officer Statement: Officer David Rowsey, IBM 11435, is assigned to the Raines Station Bravo Task Force. On April 2, 2015, at approximately 11:56 a.m., Officer Rowsey responded to Hester after receiving information that Detective Robert Armour had been shot. Upon making the scene, Officer Rowsey observed Detective Armour being attended to by other officers. He was advised by Major Kedzie White that the suspect was possibly at another location, but his squad car was blocked. He got into Officer Nicholas Gordon's squad car and they proceeded to the scene. When they arrived, Mr. Daniel Jefferson was standing outside on the west side of the house in handcuffs with Officer Quintsontro Irby. Since he was not assigned to the Raines Station, Officer Irby handed custody of Mr. Jefferson over to Officer Rowsey and Officer Gordon.

At first, Mr. Jefferson was walking towards the squad cars. Suddenly, he became irate, started yelling, and refused to walk any further. In response, Officer Rowsey and Officer Gordon picked Mr. Jefferson up off the ground by his pants and arms and "toted" him approximately twenty feet to Officer Gordon's squad car. Once at the squad car, Officer Rowsey quickly patted Mr. Jefferson down and placed him in the backseat. After a while, the command staff made the scene and Officer Rowsey was asked to transport Mr. Jefferson to 791 East Raines, Raines Station. Officer Rowsey then noticed Officer Gordon's squad car had a flat tire and asked Officer Jeremy Mackey to assist. Officer Rowsey and Officer Mackey had Mr. Jefferson exit Officer Gordon's vehicle and escorted him towards Officer Mackey's vehicle. Along the way, Mr. Jefferson started yelling that he didn't do it and said, "Fuck this shit!" Mr. Jefferson then stiffened up and

refused to get into Officer Mackey's vehicle. Officer Rowsey responded by telling Officer Mackey to move back as he picked Mr. Jefferson up and threw him in the car. Officer Rowsey accomplished this by picking Mr. Jefferson up between his legs, leaning him over, catching his upper body with his arm, and throwing him head first inside the rear driver's side of the vehicle.

Officer Mackey then drove them to the precinct. At the Raines Station, Mr. Jefferson's pants were off his buttocks and Officer Rowsey and Officer Mackey pulled up his pants as they attempted to enter the building. Mr. Jefferson jerked his arms back in an attempt to get officers to get their hands off of him. Officers continued inside and were met by Officer LaChristo Flagg along with three or four other officers that were standing around. Mr. Jefferson started yelling again, this time catching the attention of Lieutenant Byron Hardaway. Lieutenant Hardaway approached Mr. Jefferson and said something to the effect of, "You need to stop all that hollerin' and just do like the officer ask you to do." This interaction only lasted a few seconds and Mr. Jefferson calmed down. Officer Rowsey then opened the door to the detention area (commonly referred to as the "Ping Pong Room") and entered with Mr. Jefferson and Officer Mackey. Once inside, the door closed behind them and they proceeded to the detention bench on the east side of the room. As they approached the bench, Mr. Jefferson flopped down on the floor and landed on the floor facing the bench. He then stated to officers that he had AIDS. Officer Rowsey proceeded to shackle his ankle while he was lying on the floor and set him up on the bench. Officer Mackey then removed his handcuffs. Officer Rowsey then left Officer Mackey alone with Mr. Jefferson and went to use the restroom. Afterwards, Officer Rowsey stood by the pool table in the common area approximately four feet away from Colonel James Kirkwood who was speaking with someone Officer Rowsey referred to as "Colonel Wortham" (correctly identified as Colonel Marcus Worthy). Officer Rowsey overheard Colonel Worthy tell Colonel Kirkwood that Mr. Jefferson needed to be taken to Homicide. With this information, Officer Rowsey then reentered the detention area. Once inside, Mr. Jefferson was chained to the detention bench and Officer Mackey was sitting in a nearby chair. Officer Rowsey relayed the information about Homicide and Officer Mackey re-handcuffed Mr. Jefferson. Approximately twenty minutes after they had arrived at Raines Station, they were escorting Mr. Jefferson back outside. Once there, they ran into Officer Miller, who assisted Officer Mackey in transporting Mr. Jefferson to Homicide while Officer Rowsey returned to Hester to retrieve his squad car.

When pressed with the allegations that he kicked Mr. Jefferson, Officer Rowsey later recanted his earlier version of events and revised them as follows:

While at Kirkwood, Officer Rowsey and Officer Gordon took custody of Mr. Jefferson from Officer Irby. Mr. Jefferson refused to walk on his own, so they picked him up and "toted" him to Officer Gordon's vehicle. Along the way, Officer Rowsey became angry. He and Officer Gordon punched Mr. Jefferson in the stomach, one time with a closed fist while he was handcuffed behind his back. This was an attempt to make him put his feet on the ground. Mr. Jefferson put his feet down. He was patted down, and placed into Officer Gordon's vehicle without further incident.

Later, as Mr. Jefferson was being moved to Officer Mackey's vehicle, Officer Rowsey picked him up as previously described and threw him into the vehicle. Officer Mackey then drove them to the Raines Station. As they were walking inside the detention room, just a few feet inside the door, Mr. Jefferson stated to Officer Rowsey, "Yeah I shot that motherfucker. That's good for that motherfucker." At that point, Officer Rowsey kicked Mr. Jefferson in the back and he stumbled forward. He remained on his feet for a moment, and then he suddenly flopped down on the ground, still handcuffed behind his back. Officer Rowsey and Officer Mackey then began punching Mr. Jefferson as he lay handcuffed on the ground. Officer Mackey punched Mr. Jefferson in the stomach area twice while Officer Rowsey punched Mr. Jefferson once in the back and once in the stomach. At some point, Officer Fairley entered the room and stated something to the effect of, "Is this the guy that shot the officer?" Officer Fairley then proceeded to punch Mr. Jefferson in the stomach area as he lay on the floor handcuffed behind his back. Mr. Jefferson began screaming for help and Officer Rowsey noticed additional officers in the room watching. Officer Rowsey stated Mr. Jefferson was never given any verbal commands, and when he thought he had done enough, Officer Rowsey stopped punching Mr. Jefferson. Officer Rowsey was not sure if the other officers continued punching Mr. Jefferson because he left the area and went to the restroom. Mr. Jefferson was still lying on the ground in handcuffs when he returned. Officer Mackey shackled Mr. Jefferson's leg and Officer Rowsey picked him up and placed him on the bench. According to Officer Rowsey, he does not recall any officer striking Mr. Jefferson with a ping pong paddle, a chair, or a little plastic food container. He advised that he believes at some point, someone entered the room and said something about what they were doing, but he could not remember the identity of the individual. Officer Rowsey stated he failed to complete his log sheet because he was not thinking straight. He was emotional and was not focused. When asked if he would like to add anything to his statement, Officer Rowsey sounded remorseful in stating, "I think everybody acted out of emotions...that was my first time ever responding to an officer being shot on the scene...a lot of things were done out of emotions."

Witness Officer Statement: Officer Joshua Brown, IBM 12100, is assigned to the Crump Station Bravo Task Force. On April 2, 2015, Officer Brown was riding in a two-man unit with Officer Corey Leatherwood, IBM 11329. Officer Brown and Officer Leatherwood responded to Kirkwood at approximately 12:00 p.m., after being notified that an officer had been shot. When they arrived on the scene, the suspect, Mr. Daniel Jefferson, was in custody and sitting in the backseat of a squad car. Officer Brown surveyed the scene to determine if his assistance was needed. Officer Brown observed the situation to be under control and decided to return to his assigned duty station. Officer Brown had no contact with Mr. Jefferson and did not see other officers interact with him.

Witness Officer Statement: Lieutenant Robert Chalmers, IBM 1518, is assigned to the Raines Station Bravo Shift. On April 2, 2015, Lieutenant Chalmers responded to Kirkwood after receiving information that the suspect who shot Detective Robert Armour was at the location. Lieutenant Chalmers made the scene and observed Mr. Daniel Jefferson surrounded by eight to ten officers. Lieutenant Chalmers ordered officers to

handcuff Mr. Jefferson. Lieutenant Chalmers watched as officers escorted Mr. Jefferson away from the crime scene.

There was uncertainty on the scene as to which bureau would handle the investigation. Lieutenant Colonel Sanders advised Lieutenant Chalmers that Raines GIB would be the primary investigative bureau. As a result, Lieutenant Chalmers notified Raines Station GIB detectives to make the scene. Once Raines Station GIB detectives arrived, a decision was made to transport Mr. Jefferson to the Raines Station GIB office. Afterwards, it was determined that the Homicide Bureau would be the primary investigative unit. However, by that time, Mr. Jefferson had already been transported from the scene.

Lieutenant Chalmers remained at [redacted] Kirkwood until someone from the Raines Station Charlie Shift relieved him. He returned to the Raines Station to complete an incident report. Mr. Jefferson was no longer at the precinct at that time. At some point, Lieutenant Chalmers spoke with Lieutenant Byron Hardaway. Lieutenant Hardaway informed Lieutenant Chalmers that when Mr. Jefferson was brought into the precinct he stated that he thought officers were going to kill him because he shot a police officer. Other than that, Lieutenant Chalmers was never notified that Mr. Jefferson resisted officers or that force was used against him.

Witness Officer Statement: Lieutenant Renwick Cowans, IBM 1564, is assigned to Team Ten of the Organized Crime Unit. On April 2, 2015, Lieutenant Cowans responded to [redacted] Hester after receiving information that Detective Robert Armour had been shot. Lieutenant Cowans then went to [redacted] Kirkwood. He observed Mr. Daniel Jefferson sitting in the backseat of a marked squad car. Lieutenant Cowans did not have any personal contact with Mr. Jefferson and did not see him outside of the squad car.

Witness Officer Statement: Detective LaDonna Davis, IBM 1033, is assigned to the Raines Station General Investigative Bureau. On April 2, 2015, Detective Davis was taking statements on a case she was working when Mr. Daniel Jefferson was brought to the Raines Station. Detective Davis advised she did not leave the GIB Office and was never in the area where Mr. Jefferson was being held. To the best of her knowledge, the primary detention area near the GIB office was not being used at the time Mr. Jefferson arrived. Detective Davis advised she can normally hear disturbances in the detention area from her desk, but on that date, she did not hear anything unusual coming from that area.

Witness Officer Statement: Lieutenant Jeffrey Dickerson, IBM 2096, is assigned to the Homicide Bureau. On April 2, 2015, Lieutenant Dickerson supervised the investigators that handled Mr. Daniel Jefferson's criminal investigation. Lieutenant Dickerson never had direct contact with Mr. Jefferson, but viewed him on numerous occasions during his stay in the Homicide Bureau over a video surveillance monitor that is located inside his office. The monitor is approximately fifteen to sixteen inches and is equipped with sound. The sounds coming from the interview room where Mr. Jefferson was being held were playing through the video monitor inside his office.

At one point, Lieutenant Dickerson was typing on his computer and Sergeant Joe Stark was inside his office. Sergeant Stark saw Mr. Jefferson on the surveillance monitor taking his shirt off and wiping himself with the shirt. Lieutenant Dickerson looked up and observed Mr. Jefferson turning his shirt right side out and putting it back on. At that time, Sergeant Kelly was notified and entered the room. Lieutenant Dickerson watched as Sergeant Kelly wiped water from the interview table with napkins to prevent Mr. Jefferson from further wiping himself. When asked about the volume of water that could have been present in the interview room, Lieutenant Dickerson advised the most amount of water that could have been in the interview room at a given time was six ounces. This is due to suspects receiving water in six ounce Styrofoam cups that are refilled as needed.

Lieutenant Dickerson was watching the surveillance monitor as Crime Scene Officer Rector attempted to photograph Mr. Jefferson using the alternate light source. During that time, the lights were turned off and on several times. Lieutenant Dickerson never saw Sergeant Kelly use force against Mr. Jefferson, pour water on him, or pull his hair while the lights were on. Likewise, he never heard noises that indicated there was a disturbance inside the room when the lights were off. Mr. Jefferson never verbalized a complaint against the investigators inside the room. Hours later, when it was time for Mr. Jefferson to be transported to the Sally Port, Lieutenant Dickerson was made aware that he complained of injuries by police at the time of his arrest. Lieutenant Dickerson stated he was on the scene of 7 Kirkwood, where Mr. Jefferson was arrested, and spoke with supervisors. He specifically asked if the arrest occurred without incident because he wanted to know Mr. Jefferson's condition before he was transported to the Homicide Bureau. At that time, he was advised that no force was used against Mr. Jefferson during his arrest.

Lieutenant Dickerson concluded his statement by saying that he has been assigned to the Homicide Bureau since July of 2014. Since his arrival in the unit, no suspect has ever complained on one of his investigators. Water has never been poured or splashed on a suspect in any way and waterboarding has never been discussed nor would it be allowed.

Witness Officer Statement: Detective Eric Dobbins, IBM 10916, is assigned to Team Six of the Organized Crime Unit. On April 2, 2015, Detective Dobbins responded to 7 Kirkwood after receiving notification that the suspect in an officer involved shooting was at the location. Detective Dobbins arrived on the scene approximately fifteen minutes after receiving the notice. When he arrived, Detective Dobbins saw officers lining up under the carport getting ready to clear the residence for suspects. As Detective Dobbins joined the stack, he observed a male black surrounded by officers. It appeared that the male black was being taken into custody. Detective Dobbins proceeded to make entry into the residence. Once inside, he verified there were no additional suspects present. After exiting the residence, Detective Dobbins did not see the suspect again. Detective Dobbins proceeded to the backyard and located a handgun next to a shed. Detective Dobbins notified his supervisor and remained with the handgun until Crime Scene arrived. Detective Dobbins then participated in a second search of the residence, this time pursuant to a search warrant. Officer Dobbins cleared the scene around 5:30 p.m.

Witness Officer Statement: Detective Stacy Faulkner, IBM 10581, is assigned to the Raines Station General Investigative Bureau. On April 2, 2015, Detective Faulkner received information from Detective John Fleming, who made the scene where Detective Robert Armour was shot, that Major Kedzie White wanted him to coordinate the investigation at the Raines Station. When Detective Faulkner was made aware that Mr. Jefferson had arrived at the Raines Station, he walked over to the detention area where the ping pong table is located to speak with him. As he was approaching the detention area, he noticed Colonel James Kirkwood walking up the rear sidewalk towards the building. Detective Faulkner opened the door to the detention area and observed Officer Jeremy Mackey bouncing a ping pong ball up and down on the ping pong table with a paddle. Detective Faulkner asked Mr. Jefferson, who was sitting on the detention bench, for his name and birthday and whether or not he needed to use the restroom. Mr. Jefferson answered the questions and did not make any additional comments. At that time, Mr. Jefferson did not appear to be injured in any way. His clothing appeared normal and he was not breathing hard or anything of that nature. Detective Faulkner exited the detention area and was met by Colonel Kirkwood, who had just made it up the sidewalk and was entering the rear door. Colonel Kirkwood advised Detective Faulkner and a Task Force Officer, possibly Officer Brandon McLean, that the suspect needed to be taken to the Homicide Bureau. According to Detective Faulkner, there were also other officers standing around the pool table at that time; however, he could not recall who they were. Since the suspect was to be taken to Homicide instead of remaining at the Raines Station, Detective Faulkner returned to his desk and had no further contact with him.

Witness Officer Statement: Officer Robert Fletcher, IBM 12907, is assigned to the South Main Station Delta Shift. On April 2, 2015, Officer Fletcher and Officer Corey Smith pulled over to 877 Jefferson, Regional One Medical Center, to assist Officer William McAnally, who was transporting Mr. Daniel Jefferson to the hospital. When Officer Fletcher arrived, Mr. Jefferson was outside. Officers escorted Mr. Jefferson to the nurse's station without incident. Mr. Jefferson was able to walk on his own unsupported. He did not appear to be wet, have torn clothing, or visible injuries. Once at the nurse's station, Officer Fletcher stepped into the hallway as Mr. Jefferson was speaking with the nurse. After Mr. Jefferson finished with the nurse, Officer Fletcher helped shackle Mr. Jefferson's leg to the hospital bed and returned to service. According to Officer Fletcher, Mr. Jefferson was very cooperative during the time he spent with him and never complained of assault or abuse by a police officer in his presence.

Witness Officer Statement: Detective Patrick Fox, IBM 1758, is assigned to Team Ten of the Organized Crime Unit. On April 2, 2015, he was working on the same team as Detective Robert Armour when he was shot. After receiving information from a fellow team member, Detective Roshondra Jackson, that the suspect's vehicle was at Kirkwood, Detective Fox pulled onto the scene. Detective Fox deployed his AR-15 and took cover behind a tree in the front yard. Detective Darnell Gooch, Detective Dewayne Smith, and at least two other uniformed patrol officers made the scene and a perimeter was set up around the house. Detective Fox started giving verbal commands for Mr. Jefferson to exit the residence and after about five minutes, Mr. Jefferson exited with his hands in the air. Since there was a large pit bull in the front yard, officers did not want to

approach Mr. Jefferson. Detective Fox directed Mr. Jefferson to turn around to determine if he was armed and had him walk backwards toward the sound of his voice. Detective Fox ordered Mr. Jefferson to the ground and he complied. Mr. Jefferson was placed into handcuffs and stood back up after thirty to forty seconds. Mr. Jefferson was passed off to a male black uniformed patrol officer and was escorted towards a squad car. Detective Fox proceeded towards the residence to make entry, but was ordered by Lieutenant Frank Winston, who had just made the scene, to stand down, due to his close working relationship with Detective Armour. Other OCU Officers were similarly advised to clear the scene and to go to Regional One to check on Detective Armour.

Following his recorded statement, Officer Fox was shown several photo spreads of Memphis Police Officers in an attempt to determine what officer he turned Mr. Jefferson over to. There were four photo spreads that included Officer Mackey, Officer Rowsey, Officer Irby, and Officer Miller respectively. Officer Fox recognized Officer Mackey and Officer Rowsey as being present during the arrest. He could not say with certainty that custody was transferred to Officer Rowsey, but believed it was possibly him. Officer Fox did not recognize Officer Irby or Officer Miller as being present.

Witness Officer Statement: Officer Ellason Flagg, IBM 1757, is assigned to the Raines Station Bravo Shift. On April 2, 2015, Officer Flagg responded to 1637 Kirkwood after receiving information that the suspect who shot Detective Robert Armour was on the scene. Upon arrival, Officer Flagg observed a number of officers already present. Mr. Jefferson was still inside the residence at that time. Officer Flagg decided to drive to the street directly behind the residence to set up a perimeter. While he was in the backyard of the house directly behind Kirkwood, Mr. Jefferson was taken into custody. Officer Flagg did not return to the location of arrest because he received a mental consumer call at another location.

Witness Officer Statement: Officer LaChristo Flagg, IBM 6871, is assigned to the Raines Station Bravo Shift. Officer Flagg was working the front desk on April 2, 2015, when Mr. Daniel Jefferson was brought into the Raines Station for questioning by detectives. According to Officer Flagg, she was sitting at the desk when she looked back and noticed that Mr. Jefferson was being brought in through the rear door. However, the precinct phone kept ringing and she returned her attention to answering the phone. Officer Flagg stated she believes Officer Mackey was with the suspect as he walked in and possibly one other officer, but she did not remember who the officer was. The suspect was taken into the detention area by the drink machines in the kitchen. According to Officer Flagg, she never heard any noises coming from that room or heard Mr. Jefferson verbalize anything.

From her position on the desk, approximately ten yards away, Officer Flagg did not notice any supervisors or other persons present when Mr. Jefferson was brought in. She believes there were a few people at the front desk, but could not remember if that was during that time period. The phone continued to ring a lot and Officer Flagg did not notice whether anyone from Raines GIB went to speak with Mr. Jefferson. According to her statement, Colonel Kirkwood was not present at the time Mr. Jefferson was brought

into the precinct, or at any other point while Mr. Jefferson was at the Raines Station. Officer Flagg stated she believed Mr. Jefferson was at the Raines Station for about an hour, but never went to the area he was being held to check. She did not see Mr. Jefferson leave the building.

Witness Officer Statement: Detective John Fleming, IBM 6872, is assigned to the Raines Station General Investigative Bureau. On April 2, 2015, Detective Fleming was tasked as being the lead investigator from Raines Station GIB regarding the arrest of Mr. Daniel Jefferson. Detective Fleming made the scene at Kirkwood and observed Mr. Jefferson detained in the backseat of a squad car. He opened the squad car door and looked at Mr. Jefferson. At that time, he did not appear to have any injuries. Detective Fleming was later instructed by Lieutenant Colonel Sanders to have Mr. Jefferson transported to the Raines Station. Detective Fleming relayed the information to the arresting officers. Approximately twenty minutes after Mr. Jefferson was transported to the Raines Station, Detective Fleming and Detective Watts cleared Kirkwood. Before they could return to the Raines Station, Lieutenant Colonel Sanders called and instructed them to return to the scene of the arrest because it was determined that the Homicide Bureau would handle the investigation instead of Raines Station GIB. Detective Fleming returned to Kirkwood and conferred with Homicide Sergeant Max Newman. Detective Fleming had no further contact with Mr. Jefferson.

Witness Officer Statement: Officer Frederick Fluckers, IBM 2623, is assigned to the Raines Station Bravo Shift. On April 2, 2015, at 12:13 p.m., Memphis Police Dispatchers noted Officer Fluckers as having a suspect in custody at Kirkwood. However, in his statement to ISB Investigators, Officer Fluckers advised he never made the scene at Kirkwood. According to his logsheet, he responded to Hester and Elvis Presley around 12:00 p.m., after hearing that Detective Armour had been shot. He remained there until 12:49 p.m., but cleared to make the scene of a mental consumer at 5321 Bradford. After handling the mental consumer call, Officer Fluckers returned to service and did not return to the Raines Station until he signed out for the day, never having any contact with Mr. Daniel Jefferson.

Witness Officer Statement: Officer Wayne Gillard, IBM 1976, is assigned to the Crime Prevention Unit. On April 2, 2015, he responded to Kirkwood Cove and Millbranch in an attempt to locate the suspect who shot Detective Robert Armour. Officer Gillard was unable to locate the suspect at that location. While he was there, the suspect was taken into custody at Kirkwood. According to Officer Gillard, he did not make the scene at Kirkwood or go to the Raines Station on April 2, 2015.

Witness Officer Statement: Officer Darnell Gooch, IBM 7017, is assigned to Team Ten of the Organized Crime Unit. On April 2, 2015, he was working a case in North Memphis when he heard Detective Robert Armour had been shot. Officer Gooch received information that the suspect, Mr. Daniel Jefferson, was at Kirkwood. When he arrived at that location, Officer Gooch observed Mr. Jefferson exiting the residence. He drew his weapon and Mr. Jefferson was given verbal commands to lie on the ground. Mr. Jefferson complied and Officer Dewayne Smith and Patrick Fox took

him into custody while he was in the prone position. Mr. Jefferson was handed off to uniform patrol or task force officers. He then walked unsupported to a squad car. By this time, Lieutenant Colonel Gregory Sanders, Lieutenant Renwick Cowans, and Lieutenant Frank Winston were on the scene. Lieutenant Winston ordered OCU Officers to stand down. Officer Gooch then cleared the scene and went to Regional One Hospital to check on Detective Armour.

Witness Officer Statement: Officer Jonathan Gross, IBM 12227, is assigned to the Crump Station Bravo Task Force. On April 2, 2015, Officer Gross was assigned to a two-man unit with Officer Eldon Martin, IBM 12638. At approximately 12:12 p.m., they made the scene at 7 Kirkwood after hearing that the suspect responsible for shooting a police officer was at that location. Upon arrival, Officer Gross took cover behind a tree with his AR-15 and watched as officers entered the residence. Shortly thereafter, he noticed that the suspect, Mr. Jefferson, was already in handcuffs approximately fifteen feet behind him. Mr. Jefferson did not appear to have any injuries or to have been in a scuffle at that time. Two male black Raines Station Task Force Officers then escorted Mr. Jefferson to a squad car approximately forty feet away. Officer Gross proceeded to place his AR-15 back into his squad car. Officer Gross did not observe Mr. Jefferson resist officers in any way and he was not struck by officers in his presence.

Witness Officer Statement: Officer Bryan Grosshans, IBM 12462, is assigned to the Crump Station Bravo Task Force. On April 2, 2015, Officer Grosshans responded to Kirkwood after receiving information that the suspect who shot Detective Robert Armour was at that location. Officer Grosshans arrived at approximately 12:12 p.m., and deployed his AR-15. As he approached the residence, he observed three officers with a suspect in handcuffs and additional officers exiting the residence. Officer Grosshans noticed an additional male standing near some pine trees nearby, but officers spoke to him and then paid him no further attention. Officer Grosshans then returned to his squad car to secure his AR-15. From that point forward, Officer Grosshans did not have any contact with Mr. Jefferson.

Witness Officer Statement: Lieutenant Byron Hardaway, IBM 3286, is assigned to the Raines Station Charlie Shift. On April 2, 2015, Lieutenant Hardaway was at 791 East Raines Road, Raines Station, completing paperwork when he heard a lot of "yelling and screaming" by the back door. Lieutenant Hardaway exited the Charlie Shift Lieutenant's Office and observed Mr. Daniel Jefferson being brought in by officers. The officers were trying to pull Mr. Jefferson's pants up because they were at his thighs and Mr. Jefferson was yelling "help". Lieutenant Hardaway did not recall who the officers were that brought Mr. Jefferson into the building because by the time he walked to the back door, there was a conglomerate of officers present. Lieutenant Hardaway could only specifically recall Officer LaChristo Flagg, the precinct desk officer, as being present. She was standing by the brick wall near the back door when Mr. Jefferson was brought in. However, there were at least five officers present, two of which had hands on Mr. Jefferson.

As Lieutenant Hardaway approached, Mr. Jefferson was "moving wildly" and "squirming real bad." He stated, "Lieutenant, they trying to kill me," to which Lieutenant Hardaway replied, "Nobody's going to do anything to you. You do what the officers tell you to do." This seemed to calm Mr. Jefferson down and he stopped yelling and screaming. He then said, "Ok lieutenant, I'll do what they tell me to do." Lieutenant Hardaway then returned to the Charlie Shift Lieutenant's Office and Mr. Jefferson was taken into the detention area with the ping pong table. During their encounter, Lieutenant Hardaway did not observe any injuries to Mr. Jefferson and no force was used against him.

According to Lieutenant Hardaway, he never heard any noises coming from the detention area after Mr. Jefferson was taken inside. He advised he frequently hears officers inside the detention area playing ping pong, so if there had been a disturbance inside, he should have heard it. He was not aware of Mr. Jefferson leaving the station and is unsure how long he remained there.

Witness Officer Statement: Officer Jonathan Harkness, IBM 12034, is assigned to the Raines Station Bravo Shift. On April 2, 2015, Officer Harkness was one of the first officers to arrive on the scene at Kirkwood Road after information was broadcast that the suspect who shot Detective Robert Armour was at that location. Officer Harkness deployed his AR-15. A few moments later, Mr. Daniel Jefferson exited the residence. Officer Harkness provided cover for other officers as they took Mr. Jefferson into custody without incident. Officer Harkness then directed his attention to the residence in case additional suspects were present. After the residence was cleared, Officer Harkness was ordered by Lieutenant Robert Chalmers to return to service. Officer Harkness left Kirkwood Road and answered calls for the remainder of his shift. Officer Harkness did not see any force used against Mr. Jefferson while he was on the scene at Kirkwood Road.

Witness Officer Statement: Officer Jeffrey Harris, IBM 12633, is assigned to the Raines Station Bravo Shift. On April 2, 2015, Officer Harris was riding in a two-man unit with Officer Shannon Merritt. At approximately 11:55 a.m., they arrived at Hester and remained there until approximately 2:05 p.m. The suspect in the shooting was no longer on the scene when they arrived. After assisting Officers on Hester, Officer Harris and Officer Merritt drove a witness to the Homicide Bureau so they could give a statement. Officer Harris remained in the Homicide Bureau with the witness until approximately 3:45 p.m., at which time the witness was returned to the scene on Hester. While in the Homicide Bureau, Officer Harris and Officer Merritt waited in the lobby area between Homicide and Robbery until they were asked by a male white homicide sergeant to escort Mr. Jefferson to the restroom. During the escort to the restroom, Mr. Jefferson did not appear to be injured and made no statements to Officer Harris. After leaving the restroom, Officer Harris and Officer Merritt returned Mr. Jefferson to the interview room. According to Officer Harris, at no point while he was at 201 Poplar did he hear any sort of disturbance coming from an area where Mr. Jefferson was present.

Witness Officer Statement: Officer Lametria Harris, IBM 12035, is assigned to Team Ten of the Organized Crime Unit. On April 2, 2015, Officer Harris responded to Kirkwood after receiving information that the suspect who shot Detective Robert Armour was at that location. Upon arrival, Officer Harris observed a male black in the front yard being escorted by officers away from the residence. Officer Harris proceeded to make entry into the residence to verify if additional suspects were present. When she exited the residence she never saw the male black, Mr. Daniel Jefferson, again. Shortly thereafter, Officer Harris cleared the scene and went to Regional One to check on Detective Armour.

Witness Officer Statement: Officer Terrance Holt, IBM 11039, is assigned to the Raines Station Bravo Shift. On April 2, 2015, Officer Holt was riding in a two-man unit with Officer Amorro Townsel, IBM 4444, and responded to Kirkwood after receiving information that the suspect in an officer involved shooting was at that location. Officer Holt made the scene at approximately 12:00 p.m., and observed Mr. Daniel Jefferson being taken into custody. Officer Holt was approximately fifty feet away as other officers issued verbal commands to Mr. Jefferson. Mr. Jefferson was advised to walk backwards to the sound of their voice and when he was nearby, officers took him to the ground. Mr. Jefferson was not struck by officers in any way and was immediately handcuffed in the prone position. Mr. Jefferson was then handed off to two Raines Station Task Force Officers and escorted towards a squad car. Officer Holt did not pay particular attention to them as they were walking and did not notice any use of force against Mr. Jefferson. Officer Holt and Officer Townsel then cleared the scene and responded to a call at 1803 East Brooks.

Witness Officer Statement: Officer Quintsontrio Irby, IBM 9892, is assigned to the Crime Prevention unit. On April 2, 2015, Officer Irby responded to Kirkwood after receiving information that the suspect in an officer involved shooting was at that location. Upon making the scene, Officer Irby observed a male exiting the residence in a red shirt. At that time, there were approximately five or six officers on the scene from the Organized Crime Unit (OCU). Of those, Officer Irby only recognized Officer Patrick Fox. Officers began to give the suspect verbal commands to get on the ground. The suspect did not immediately comply and a thin male black from OCU took him to the ground. Officer Irby came up behind the suspect and placed him in handcuffs. The suspect was then stood back up and turned over to unknown officers assigned to the Raines Station Task Force. As Officer Irby handed the suspect over to the Task Force Officer, he took off his set of handcuffs and replaced them with the task force officer's cuffs. Officer Irby then went back to his vehicle and attempted to leave the scene. After a short period of time, he was able to move through the heavy traffic and cleared the scene. While Officer Irby was on the scene, Mr. Jefferson never complained of being injured and was not hit, kicked, punched, or otherwise struck.

Witness Officer Statement: Detective Roshundra Jackson, IBM 11042, is assigned to Team Ten of the Organized Crime Unit. On April 2, 2015, Detective Jackson responded to Kirkwood after receiving information that the suspect who shot Detective Robert Armour was possibly at the location. Detective Jackson was the first officer on the scene

and advised cars she had located the suspect vehicle. Detective Jackson participated in Mr. Jefferson's arrest; she was present as he was ordered into the prone position and handcuffed. Detective Jackson advised after Mr. Jefferson was handcuffed several Task Force Officers placed him in a squad car. Detective Jackson was unsure whom those officers were or which squad car Mr. Jefferson was placed into. Afterwards, Detective Jackson went to Regional One Health to check on Detective Armour.

Witness Officer Statement: Officer Trenace Johnson, IBM 11681, is assigned to the Raines Station and was working the front desk on April 2, 2015. Officer Johnson never had visual contact with Mr. Jefferson while he was at the Raines Station. Officer Johnson only knew Mr. Jefferson was brought into the station because Officer LaChristo Flagg relayed the information to her. Officer Johnson stated she was busy answering the phones and was unaware of when Mr. Jefferson left the building. At no point did Officer Johnson hear a disturbance in the detention area, screaming for help from Mr. Jefferson, or chairs being thrown. She was also unaware if GIB detectives went to speak with Mr. Jefferson while he was at the precinct. According to Officer Johnson, Colonel Kirkwood was not present in the building while Mr. Jefferson was there.

Witness Officer Statement: Colonel James Kirkwood, IBM 4656, is assigned to the Raines Station Administration. On April 2, 2015, Colonel Kirkwood responded to 945 Hester after receiving information that Detective Robert Armour had been shot. Shortly thereafter, Colonel Kirkwood changed his location to Kirkwood where he came into contact with suspect Daniel Jefferson. When Colonel Kirkwood arrived, Mr. Jefferson was handcuffed and sitting in the back of a squad car. Colonel Kirkwood did not speak with Mr. Jefferson, but viewed him from across the street. At that time, Mr. Jefferson did not appear to have any injuries and Colonel Kirkwood was not made aware that any force had been used against him during his arrest.

After a period of time, Colonel Kirkwood became concerned that Mr. Jefferson was still on the scene. His family had made the scene and the media and neighbors were taking pictures. According to Colonel Kirkwood, Homicide was not ready for Mr. Jefferson, so a decision was made to transport Mr. Jefferson to the Raines Station, 791 East Raines Road. Colonel Kirkwood could not recall if that order was given by him or Lieutenant Colonel Sanders, but advised it could have been him. By that time officers noticed that the squad car Mr. Jefferson was originally placed in had a flat tire. Thus, it was necessary to move him to another squad car for transport. Colonel Kirkwood was "right there" as Mr. Jefferson was walked past him and did not notice any injury to him. He was being escorted by two officers, Officer Rowsey and either Officer Gordon or Officer Mackey. According to Colonel Kirkwood, the only force officers used against Mr. Jefferson during this process was holding his arm in the escort position. Mr. Jefferson began resisting a little bit, talking loud and crazy, but officers had such a good grip on him he could not have done anything. Other than their grip, officers did not respond to Mr. Jefferson's behavior in any other way and asked Mr. Jefferson to get into the second squad car.

Later, when Colonel Kirkwood returned to the Raines Station, he looked into the open door of the detention area where Mr. Jefferson was being held. Inside, Colonel Kirkwood recalled seeing two officers sitting in chairs and Mr. Jefferson shackled to the holding bench. Colonel Kirkwood verified with officers that Mr. Jefferson was the person taken into custody on Kirkwood and noted that he looked fine. He was sitting, his clothing appeared normal, and he did not have any injuries. Colonel Kirkwood was unaware of how long Mr. Jefferson had been at the Raines Station prior to his arrival; however, he did not think it was a long period of time. Colonel Kirkwood advised Colonel Worthy was present when he returned to the Raines Station and informed him that Mr. Jefferson needed to be transported to Homicide. Colonel Kirkwood then turned to the officers who were responsible for Mr. Jefferson and ordered them to take him to the Homicide Bureau. When Mr. Jefferson was finally escorted from the building, Colonel Kirkwood was standing in the front lobby talking with Colonel Worthy and watched Mr. Jefferson walk unsupported out the back door.

According to Colonel Kirkwood, it is common practice for suspects to be placed in the detention area where the ping pong table is located upon arrival at the Raines Station. However, there is an additional detention area closer to the GIB office. The detention area closest to the GIB office is more of an interview room and was being utilized by other investigators at the time Mr. Jefferson was brought in. Additionally, he advised that he never heard Mr. Jefferson call for help while at the Raines Station and they never spoke to one another. He was never informed by officers at the Raines Station that Mr. Jefferson resisted in any way and was unaware of any force used against Mr. Jefferson or any scuffle inside the precinct while Mr. Jefferson was there.

Witness Officer Statement: Officer Cory Leatherwood, IBM 11329, is assigned to the Crump Station Bravo Task Force. On April 2, 2015, Officer Leatherwood was riding in a two-man unit with Officer Joshua Brown, IBM 12100. Officer Leatherwood and Officer Brown responded to Kirkwood at approximately 12:00 p.m., after being notified that an officer had been shot. Upon arrival, Officer Leatherwood observed a very large police presence. Mr. Jefferson was already in custody and the residence had been searched. Officer Leatherwood advised he did not serve any function on the scene and returned to service.

Witness Officer Statement: Officer Eldon Martin, IBM 12638, is assigned to the Crump Station Bravo Task Force. On April 2, 2015, Officer Martin was riding in a two-man unit with Officer Jonathan Gross, IBM 12227. Officer Martin and Officer Gross responded to 1637 Kirkwood at approximately 12:12 p.m., after being notified that an officer had been shot. Upon making the scene, Officer Martin observed Mr. Jefferson being escorted from the side of the house towards nearby squad cars. Officer Martin did not recall the sex, race, or number of officers that were escorting Mr. Jefferson. From his vantage point, twenty to thirty yards away, he did not observe any injuries to Mr. Jefferson at that time. Officer Martin then directed his attention to the residence and entered the house with other officers to look for additional suspects. After exiting the residence, Officer Martin never saw Mr. Jefferson again and cleared the scene once he was advised the situation was under control.

Witness Officer Statement: Major Caroline Mason, IBM 4366, is assigned to Felony Response Charlie Shift. On April 2, 2015, Major Mason received a call from Lieutenant Jeffrey Dickerson asking her to come and speak with Mr. Daniel Jefferson because he was angry and did not want to speak to Sergeant Eric Kelly or Sergeant James "J. K." Smith. Major Mason and Sergeant Lorenzo Young arrived in the Homicide Interview Room at approximately 9:15 p.m., according to Homicide interview notes. At that time, Mr. Jefferson appeared calm and had been eating pizza and drinking water. The interview room appeared to be in its normal state, with no wetness other than a little condensation on the interview table. Mr. Jefferson requested to use the restroom and Sergeant Kelly and another sergeant, possibly Sergeant Max Newman, fulfilled his request. When Mr. Jefferson returned, Major Mason began asking him about the case and he became agitated. Mr. Jefferson complained that the police had been mean to him and had been fighting him. He inquired of Major Mason if she was there to hit him too. Major Mason reassured Mr. Jefferson that she was not going to hit him and he continued on to say that he was not sure why he was in the Homicide Bureau because no one had told him why he was there. Beyond that, Mr. Jefferson would only respond to Major Mason's inquiries in one to two word phrases. He was uncooperative when asked to elaborate on his complaints. When asked for specific details, he simply would not answer. After a period of time, Major Mason was informed that an officer had made a positive identification of Mr. Jefferson and she was no longer needed. Major Mason and Sergeant Young left the interview room and returned to the Felony Response Office.

Witness Officer Statement: Officer Shannon Merritt, IBM 10736, is assigned to the Raines Station Bravo Shift. On April 2, 2015, Officer Merritt was riding in a two-man unit with Officer Jeffrey Harris. Officer Merritt and Officer Harris responded to 945 Hester after receiving information that Detective Robert Armour had been shot. Officer Merritt held the perimeter of the scene and took charge of a witness to the incident. Officer Merritt and Officer Harris drove the witness to 201 Poplar and waited with them in the front lobby until detectives were ready for them.

While waiting, Officer Merritt was asked by an unknown, middle-aged male black detective to take Mr. Daniel Jefferson to the restroom. Officer Merritt and Officer Harris entered the interview room where he was being held and observed him sitting on the suspect bench with one leg shackled. Officers handcuffed Mr. Jefferson and unshackled his leg. Mr. Jefferson did not appear to have any sort of injuries at that time and walked unsupported to the restroom. While they were walking to the bathroom, Mr. Jefferson made a statement that he was hurting, but did not elaborate as to the reason. Officer Merritt advised at the time he was speaking with Officer Harris and they did not engage Mr. Jefferson in conversation. When they took him back to the interview room, Mr. Jefferson laid down on the floor after his leg was shackled to the bench. He started calling for a detective and when the detective came in the room, Officer Merritt returned to the waiting area with the witnesses. As he was leaving the room, he heard Mr. Jefferson complaining about needing to go to the hospital. Afterwards, Officer Merritt did not have any additional contact with Mr. Jefferson.

Witness Officer Statement: Officer William McAnally, IBM 12658, is assigned to the South Main Station Delta Shift. On April 2, 2015, Officer McAnally was dispatched to the Homicide Bureau to transport Mr. Jefferson. Upon arrival, approximately 9:43 p.m., Officer McAnally was met by a heavy-set male white sergeant. The sergeant informed Officer McAnally that Mr. Jefferson needed to be transported to The Med because he was complaining of back pain. Officer McAnally then entered the Homicide interview room and observed Mr. Jefferson laying on the floor relaxing with his leg shackled to a bench. Officer McAnally advised Mr. Jefferson did not appear to be injured in any way and had no visible bruises. Mr. Jefferson's clothing appeared normal, as it had no blood stains or anything of that nature. Mr. Jefferson did not appear to be wet from any part of his body or clothing. Officer McAnally proceeded to handcuff Mr. Jefferson behind his back and Mr. Jefferson stated that his back was hurting. When asked about his back, Mr. Jefferson said something about an argument and scuffle where he was kicked. Mr. Jefferson did not further elaborate about his injuries or how they occurred.

Officer McAnally transported Mr. Jefferson to The Med where he escorted him into Med Holding. Once inside, Officer McAnally transferred custody to fellow shift officers, Officer Corey Smith, IBM 11980, and Officer Robert Fletcher, IBM 12907. Officer McAnally then went to swear to the paperwork in front of the Judicial Commissioner and returned the paperwork to the Homicide Bureau.

Witness Officer Statement: Lieutenant Robert McIntyre, IBM 5555, is assigned to Team One of the Organized Crime Unit. On April 2, 2015, Lieutenant McIntyre responded to Kirkwood to assist with the scene. Upon his arrival, Lieutenant McIntyre observed Mr. Daniel Jefferson sitting in the backseat of a squad car. He proceeded to direct officers on the scene in performing the necessary tasks. At some point, he noticed Mr. Jefferson was being moved between two squad cars. He heard Mr. Jefferson trying to talk to a female on the west end of the street, but could not tell what he was saying. Lieutenant McIntyre did not watch Mr. Jefferson the entire time he was walking between the squad cars. From what he saw, Mr. Jefferson did not appear to be injured and no officer used force against him.

Witness Officer Statement: Officer Brandon McLean, IBM 11687, is assigned to the Raines Station Charlie Task Force. On April 2, 2015, Officer McLean arrived at 791 East Raines Road shortly before 1:00 p.m., to check out a squad car for court. As he entered the building, Officer McLean heard a loud commotion coming from the detention area near the back door. Officer McLean entered the detention area to see what the commotion was. Once inside, he observed a male suspect on the ground, approximately five foot inside the door, on the north side of the ping pong table. The suspect was wearing one handcuff and flailing his arms. Officer David Rowsey, Officer Jeremy Mackey, and Officer Armond Fairley were standing over the suspect and had him by both of his arms. Officer McLean asked the officers if they needed assistance and they declined. Officer McLean also noticed two OCU Officers in the room, a male white with a big beard and a female, along with several other male black officers that he could not recall standing around. As Officer McLean exited the room, approximately five seconds after he entered, he observed officers starting to stand the suspect up. Officer McLean then went to the

locker room and changed before heading to court. According to his statement, Officer McLean never saw any officer hit, kick, strike, or punch the suspect in any way.

Witness Officer Statement: Officer Mario Miller, IBM 12146, is assigned to the Raines Station Bravo Task Force. On April 2, 2015, Officer Miller responded to Hester Road after receiving information that Detective Robert Armour had been shot at that location. Officer Miller remained on that scene for approximately two hours holding the perimeter. Afterwards, Officer Miller returned to 791 East Raines Road, Raines Station. When he arrived, Mr. Daniel Jefferson was being escorted from the detention area by officers. Officer David Rowsey advised Officer Miller that he did not want to transport Mr. Jefferson to 201 Poplar. Officer Miller stated that Officer Rowsey appeared to be upset, so he agreed to take custody of Mr. Jefferson and transport him to the Homicide Bureau.

Officer Miller and Officer Jeremy Mackey transported Mr. Jefferson to 201 Poplar. Mr. Jefferson did not make any comments in Officer Miller's presence about Officer Rowsey or Officer Mackey. They arrived at the Homicide Bureau around 1:33 p.m. Officer Miller shackled Mr. Jefferson to the suspect bench inside the Homicide Bureau interview room. Officer Miller and Officer Mackey then left 201 Poplar and returned to the Raines Station to end their shift.

Witness Officer Statement: Detective Louis Mobley, IBM 10737, is assigned to Team Six of the Organized Crime Unit. On April 2, 2015, Detective Mobley responded to Kirkwood Road after receiving information that the suspect who shot Detective Robert Armour was at the location. When he arrived, Detective Mobley observed the suspect, Mr. Daniel Jefferson, standing in the front yard in handcuffs with Officer Quintsontro Irby. Officer Irby quickly handed custody of Mr. Jefferson over to members of the Raines Station Task Force. Detective Mobley watched as they escorted Mr. Jefferson to a squad car. As they were escorting Mr. Jefferson, officers did not use any force whatsoever against him and he did not resist in any way. Mr. Jefferson was able to walk on his own to the squad car. At some point, while Detective Mobley was not directing his attention to him, Mr. Jefferson was transported from the scene. Later, Detective Mobley participated in executing a search warrant for the residence and he cleared the scene.

Witness Officer Statement: Officer Deon Moss, IBM 10267, is assigned to the Raines Station Bravo Shift. On April 2, 2015, Officer Moss responded to Hester and later to Kirkwood after receiving information the suspect who shot Detective Robert Armour was at that location. When Mr. Daniel Jefferson was placed into handcuffs, Officer Moss was on the street to the rear of the residence. When he returned to Kirkwood, he could see officers placing Mr. Jefferson into a squad car about two hundred feet away. From that distance, it did not appear as if Mr. Jefferson was resisting officers or force was being used against him. When he cleared Kirkwood, Officer Moss returned to the Raines Station Equipment Room to fulfill his assigned duties. Officer Moss did not have any physical contact with Mr. Jefferson while he was at the Raines Station. Officer Moss advised he never heard any sort of disturbance coming from the detention area and was not made aware there was an incident involving a suspect.

Witness Officer Statement: Sergeant Brian Nemec, IBM 6268, is assigned to Team Six of the Organized Crime Unit. On April 2, 2015, Sergeant Nemec and Detective Vikki Shabazz responded from the OCU Office to Hester after receiving information Detective Robert Armour had been shot. Sergeant Nemec and Detective Shabazz remained on Hester for approximately an hour assisting fellow OCU Officers before they cleared the scene. Upon their departure, they went to 791 East Raines, Raines Station, to refuel their vehicle and use the restroom. After Sergeant Nemec exited the restroom, he waited in the common area of the precinct by the pool table for Detective Shabazz to finish using the restroom. While he was waiting, Sergeant Nemec observed four to five male black officers wearing external throw-over ballistic vests, similar to OCU Officers, enter the rear door of the precinct. Sergeant Nemec realized they were not members of OCU and believed them to be assigned to some sort of Task Force. The officers were struggling to bring a male black in through the rear door. Sergeant Nemec advised he learned at a later time that the male black was actually the suspect in the officer shooting, Mr. Daniel Jefferson.

At the time Mr. Jefferson was being brought in, Sergeant Nemec heard a scuffle at the back door that caught his attention. He stopped watching the nearby television and looked towards the sound. Mr. Jefferson was there pushing away from officers in a manner that suggested he did not want to come inside the precinct. Mr. Jefferson and the officers were yelling at one another, but Sergeant Nemec could not recall what they were saying. The officers took Mr. Jefferson into the detention area to the left (the old weight room) and closed the door. From inside the closed room, Sergeant Nemec heard yelling, but could not tell what the yelling was about. On at least one occasion, he thought he heard Mr. Jefferson say, "Stop, stop." By that point, approximately four minutes had elapsed since Mr. Jefferson entered the building and Detective Shabazz had finished using the restroom. Sergeant Nemec and Detective Shabazz then headed to OCU Office to pick up a search warrant for Kirkwood that was being prepared by Detective Benjamin O'Brien. According to Sergeant Nemec, while he and Detective Shabazz were inside the Raines Station, there were no other OCU Officers present. He did observe a male GIB Detective hanging around the coke machine, but was not sure if he went inside the detention area. There was also a male black lieutenant in the Roll Call Room moving things around.

Witness Officer Statement: Sergeant Jerry Newman, IBM 6259, is assigned to the Homicide Bureau. On April 2, 2015, Sergeant Newman was tasked as the case coordinator for Mr. Daniel Jefferson. Sergeant Newman responded to Hester and met with OCU Officers, Raines Station Officers, and Security Squad Investigators. He was then directed by Lieutenant Jeffrey Dickerson to go to Kirkwood. However, Mr. Jefferson was not on the scene at the time he arrived. Sergeant Newman assisted in preparing a search warrant for the residence and remained until the search was completed. Around 5:45 p.m., Sergeant Newman returned to the Homicide Bureau and briefly viewed Mr. Jefferson on the video surveillance monitor. He did not observe anything out of place in the interview room and he observed Mr. Jefferson sitting on the suspect bench. Afterwards, Sergeant Newman returned to his desk to complete paperwork and later called for a transport car for Mr. Jefferson. Sergeant Newman

advised he had no direct contact with Mr. Jefferson and never heard any sort of disturbance coming from the room where he was being detained.

Witness Officer Statement: Officer Trey Norris, IBM 11259, is assigned to the Crump Station Bravo Task Force. On April 2, 2015, Officer Norris responded to 1637 Kirkwood after receiving information that the suspect in an officer involved shooting was at the location. Officer Norris arrived at approximately 12:15 p.m., and observed a male officer escorting a handcuffed suspect in a red shirt towards the nearby police cars. Officer Norris ran past the suspect, within ten to fifteen feet of him, towards the house. In passing, Officer Norris did not observe any sort of injuries to Mr. Jefferson and noted that he was walking unsupported. Officer Norris then entered the residence with Detective Gooch and other unknown police officers. After clearing the residence, Officer Norris exited the residence and noticed Lieutenant Renwick Cowans on the scene. Lieutenant Cowans was directing officers who were not directly related to the incident to clear the area. Officer Norris left the scene and was unaware if the suspect was still present.

Witness Officer Statement: Detective Thomas Parker, IBM 10206, is assigned to the Raines Station General Investigative Bureau. On April 2, 2015, Detective Parker made the scene at [redacted] Hester and [redacted] Kirkwood and canvassed the area for possible video footage relating to the incident. Detective Parker was unable to locate any video footage and returned to 791 East Raines, Raines Station. While he was standing at the front desk, Detective Parker observed Officer David Rowsey, Officer Jeremy Mackey, and a couple of OCU Officers bring Mr. Daniel Jefferson in through the back door. Mr. Jefferson did not appear to have any injuries at that time nor did he appear as if he had been involved in an altercation. Detective Parker advised Officers that there was already a female in the interrogation room so Officer Rowsey and Officer Mackey took Mr. Jefferson into the secondary detention area where the ping pong table is located. As he was being brought in, Mr. Jefferson was yelling that he wanted to go to 201. At that time, he observed Sergeant Brian Nemec and three other OCU Officers standing around the pool table. He described the three OCU Officers as a tall female black, a male black, and a white officer. Detective Parker then walked to the GIB Office and notified Detective Stacy Faulkner that Mr. Jefferson had arrived at the station. Colonel Kirkwood then entered the building and advised officers that the suspect needed to be taken to the Homicide Bureau. In Detective Parker's estimation, Mr. Jefferson only remained at the Raines Station for about three minutes, but he was not present when he was escorted from the building. During the time Mr. Jefferson was at the Raines Station, Detective Parker never heard a disturbance coming from the detention area or Mr. Jefferson calling for help.

Witness Officer Statement: Officer Derek Pittman, IBM 11805, is assigned to the Crump Station Bravo Task Force. On April 2, 2015, Officer Pittman was assigned to a two-man unit with Officer Todd Woodard, IBM 11422. At approximately 12:17 p.m., they made the scene at [redacted] Kirkwood after hearing that the suspect responsible for shooting a police officer was at that location. As they pulled up, Officer Pittman observed, from approximately fifteen yards away, that Mr. Jefferson was being placed into handcuffs by an unknown male black officer from the C.O.P. unit. Officer Pittman proceeded to exit his squad car and made his way to the door of residence to make sure

no one else exited. As he approached the residence on foot, Officer Pittman observed two or three officers escorting Mr. Jefferson towards a row of squad cars, but he did not see exactly where Mr. Jefferson was taken. From his vantage point, the officer from the C.O.P. unit that handcuffed the suspect appeared calm the whole time and never struck the suspect in any way. Mr. Jefferson also appeared to be uninjured at that time. After the scene appeared to be under control, Officer Pittman left at approximately 12:40 p.m., never seeing the suspect a second time.

Witness Officer Statement: Officer J. R. Rector, IBM 7337, is assigned to Crime Scene Investigations Charlie Shift. On April 2, 2015, at approximately 6:25 p.m., Officer Rector responded to a call for service in the Homicide Bureau. Once on the scene, detectives asked Officer Rector to look at a suspect with the alternate light source to determine if gunshot residue was present. Officer Rector entered the interview room with Sergeant Eric Kelly and Sergeant James Smith. He observed Mr. Jefferson seated against the wall with his hands cuffed behind his back and one leg shackled to the bench. According to Officer Rector, Mr. Jefferson did not appear to have any physical injuries at that time and his clothing appeared average and in no way torn, dirty, or wet. When asked about the environment inside the room, Officer Rector advised he did not observe any water present. The carpet, walls, and table all appeared to be dry. Officer Rector utilized the table for his camera equipment and placed other pieces of equipment on the carpet, none of which were wet when he gathered his gear for departure.

Officer Rector advised he was in the interview room for approximately twenty minutes. Sergeant Kelly and Sergeant Smith were present during that entire time. While there, he took several photographs of Mr. Jefferson with the lights on and several with the lights off. Officer Rector explained that while taking photographs with the alternate light source, it is imperative that the suspect remain completely still and the lights be off in order for gunshot residue to become evident. If the suspect moves, then the picture will blur because the aperture on the camera has to stay open for minutes, not just milliseconds like a usual photograph. Officer Rector attempted to take several photographs of Mr. Jefferson while he was seated. During the photographs, Sergeant Smith held the alternate light source and Sergeant Kelly stood by observing. After noticing on his camera display that the photographs were blurred, it was evident that Mr. Jefferson was moving. Sergeant Kelly then asked Mr. Jefferson to lie on the ground and he complied. Sergeant Kelly then attempted to hold Mr. Jefferson's head still by placing a balled-up fist on either side of Mr. Jefferson's head to prevent it from moving back and forth. Officer Rector proceeded to take several photographs, all of which were blurred by Mr. Jefferson's movement. According to Officer Rector, he did not observe Sergeant Kelly use any force against Mr. Jefferson during this process. Sergeant Kelly then assisted Mr. Jefferson to his feet and Officer Rector did not observe the back of Mr. Jefferson's clothing to be wet from lying on the carpet. At no point while Officer Rector was in the room did Mr. Jefferson complain about mistreatment from Sergeant Kelly or Sergeant Smith. Mr. Jefferson did make a statement that he was roughed up by officers while at the precinct. Officer Rector advised he confirmed with Sergeant Kelly that he heard Mr. Jefferson's statement and left the scene.

During his statement to ISB Investigators, Officer Rector was asked to review the photographs he took of Mr. Jefferson. While reviewing the photographs, Officer Rector noted that Mr. Jefferson had a couple of very minor scratches on his cheek and forehead and that his clothing did not appear to be wet. He identified the photographs where Sergeant Kelly was holding his hands to either side of Mr. Jefferson's face. When asked if he located any evidence of gunshot residue, Officer Rector advised a few areas fluoresced, but he was not qualified to say whether or not it was actually gunshot residue. Officer Rector advised he was made aware by Sergeant Kelly while he was on the scene that Mr. Jefferson had wiped and licked his arms in an apparent attempt to remove evidence of gunshot residue from his person.

Witness Officer Statement: Lieutenant Colonel Sanders, IBM 8174, is assigned to the Raines Station Administration. On April 2, 2015, Lieutenant Colonel Sanders responded to Hester after receiving information that Detective Robert Armour had been shot. Upon his arrival, he observed Detective Armour bleeding severely and receiving medical attention from paramedics. Lieutenant Colonel Sanders spoke with Sergeant Albert Bonner, Detective Armour's team leader, and Colonel Marcus Worthy to detail how Raines Station and OCU Officers would block off intersections for Detective Armour's medical transport. Information soon came to light that the suspect, Mr. Daniel Jefferson, was at Kirkwood. Lieutenant Colonel Sanders advised Colonel Worthy and Colonel James Kirkwood that he would go to Kirkwood and handle that scene while they remained on Hester.

As Lieutenant Colonel Sanders arrived on Kirkwood, he could see, about thirty yards away, Officer Rowsey and another officer escorting a suspect to a squad car. He later found out that the suspect was Mr. Jefferson. Lieutenant Colonel Sanders then established a command post in driveway of Kirkwood. At that time, Lieutenants Cowans, McIntyre, and Chalmers were present. All of the officers were instructed to step off the property except the two that were guarding a weapon they located in the backyard. Since there were two different scenes, there was some question as to who was going to handle the Kirkwood scene, Homicide and Security Squad or Raines GIB. Since the officer did not actually shoot his weapon, it was believed that it could have been handled as an Aggravated Assault by Raines GIB. According to his statement to ISB Investigators, Lieutenant Colonel Sanders knew for a fact that Homicide should handle the scene, but it appeared to him that Raines Station GIB was going to handle it because Detective John Fleming and Detective James Watts, Raines GIB Detectives, came to the Kirkwood location after first making the scene at Hester.

It is unclear if Mr. Jefferson was still at Kirkwood at this point. According to Lieutenant Colonel Sanders, he did not know at what point Mr. Jefferson was transported to the Raines Station. From hearing the talk, he thinks Colonel Kirkwood ultimately gave the order for officers to take Mr. Jefferson to Raines GIB, but Colonel Kirkwood did not personally tell him that was the case. Around this time, Colonel Michael Hardy, from OCU, arrived. Colonel Hardy called Colonel Worthy and immediately informed Lieutenant Colonel Sanders that Raines GIB would not handle the scene, but Homicide would. Colonel Hardy then advised Lieutenant Colonel Sanders that they should remain

on Kirkwood until Colonel Worthy arrived. Colonel Worthy then arrived about the same time as Homicide Investigators. By the time Lieutenant Colonel Sanders spoke to Colonel Worthy, it was evident that Homicide would handle the scene.

In his statement to ISB Investigators, Lieutenant Colonel Sanders advised he was responsible for ensuring that procedure was followed on the Kirkwood scene. While he was on the scene on Kirkwood, he stood less than ten yards away from Mr. Jefferson and nothing happened to him. He did not know the exact reason Mr. Jefferson was transported to the Raines Station. He advised he did not give the order and could only speculate. His assumption was that Mr. Jefferson was either moved because he had been in the squad car too long or for his own safety because there were a lot of upset and angry officers on the scene.

Lieutenant Colonel Sanders then returned to the Raines Station. Colonel Kirkwood had already returned and Mr. Jefferson was not on the scene. Lieutenant Colonel Sanders was not made aware of any issues that arose with Mr. Jefferson while he was at the precinct. He did learn on a later date that some allegations had been made about officers using force against Mr. Jefferson while he was at the Raines Station. However, he was not aware of any precinct level investigation into the matter. He was unsure if Colonel Kirkwood spoke to officers regarding the situation, but he advised he did not. He was unaware if officers had been advised to write memos regarding the allegations.

Witness Officer Statement: Detective Vikki Shabazz, IBM 10490, is assigned to Team Two of the Organized Crime Unit. On April 2, 2015, Detective Shabazz rode with Sergeant Brian Nemecek to Hester after hearing Detective Robert Armour had been shot. They arrived on the scene sometime around 12:20 p.m., and observed a large police and media presence. After surveying the scene, Detective Shabazz and Sergeant Nemecek headed towards the location where the suspect had been arrested. They became stuck in traffic and, rather than making the scene on Kirkwood, headed to the Raines Station to use the restroom. After exiting the restroom, Detective Shabazz observed what appeared to be task force officers escorting a suspect into the precinct. At the time, Detective Shabazz was approximately forty to fifty feet away and was unaware it was the suspect involved in the shooting. As the suspect entered the building, Detective Shabazz heard him yelling and screaming. The arresting officers verbally interacted with the suspect and moved him to a nearby room with a closed door. After they were out of sight, Detective Shabazz continued to hear the same type of conversation between the officers and suspect, but was unable to discern anything specific. Within a few minutes, Detective Shabazz and Sergeant Nemecek left the Raines Station.

Witness Officer Statement: Officer Corey Smith, IBM 11980, is assigned to the South Main Station Delta Shift. On April 2, 2015, Officer Smith responded to 877 Jefferson, Regional One Medical Center, to assist Officer William McAnally escort Mr. Daniel Jefferson inside. Once on the scene, Officers escorted Mr. Jefferson to the nurse's station inside MED Holding. According to Officer Smith, Mr. Jefferson appeared fine. He had no noticeable injuries and was very talkative. Mr. Jefferson kept saying how he had been beaten by officers and asked Officer Smith not beat him too. He did not give any

specifics as to where he was when the beating occurred or what officers were involved. However, Officer Smith specifically recalled Mr. Jefferson saying that his head was smashed into the ground. Officer Smith advised Mr. Jefferson he did not appear to have any injuries to his head or face and continued walking him to the nurse's station.

Officer Smith overheard Mr. Jefferson as he complained to nurses about being injured. According to Officer Smith, the nurses did not see any injuries either so he asked Mr. Jefferson where he was hurting. Mr. Jefferson pulled up his shirt and pointed to his ribs. Officer Smith did not observe any injury to Mr. Jefferson's rib or back area. Mr. Jefferson then advised he was going to file a complaint against the officers that assaulted him. He then finished speaking with nurses and was shackled to a bed. Custody of Mr. Jefferson was turned over to MED Holding and Officer Smith returned to service.

Witness Officer Statement: Detective Dewayne Smith, IBM 2854, is assigned to Team Ten of the Organized Crime Unit. On April 2, 2015, Detective Smith responded to Kirkwood after receiving information that the suspect who shot Detective Robert Armour, Mr. Daniel Jefferson, was at the location. When Detective Smith arrived, Mr. Jefferson was still inside the residence. Detective Smith assisted in taking Mr. Jefferson into custody and handed him off to uniform patrol officers. According to Detective Smith, Mr. Jefferson was taken into custody without incident. Detective Smith then participated in the protective sweep of the residence. When he exited the residence, Lieutenant Frank Winston advised him to clear the scene and proceed to Regional One to check on Detective Armour. Detective Smith cleared the scene and had no further contact with Mr. Jefferson.

Witness Officer Statement: Sergeant James Smith, IBM 8623, is assigned to the Homicide Bureau. On April 2, 2015, Sergeant Smith and Sergeant Eric Kelly were tasked with interviewing Mr. Daniel Jefferson. Sergeant Smith had several verbal exchanges with Mr. Jefferson and was in the interview room during the crime scene photographs. Sergeant Smith held the alternate light source (ALS) while Officer J. R. Rector took photographs. Sergeant Smith advised he did not see Sergeant Kelly use any force against Mr. Jefferson while he was in the Homicide Bureau. Likewise, he did not see, nor was he made aware, of Sergeant Kelly throwing water at or pouring water on Mr. Jefferson. However, Sergeant Smith did observe Mr. Jefferson wiping himself down, in what appeared to be an attempt to remove gunshot residue (GSR) from his person.

Sergeant Smith advised Mr. Jefferson never directly complained about mistreatment from Sergeant Kelly. At one point, he did state, "You don't have to grab me like that," but Sergeant Smith could not recall what prompted the comment. Sergeant Smith thought it was made when Mr. Jefferson was handcuffed to prevent destruction of GSR evidence, but could not specifically recall. According to Sergeant Smith, the only complaint of abuse Mr. Jefferson made was that South Precinct (Raines Station) officers beat him up; however, Mr. Jefferson had no signs of physical assault that corroborated that statement.

Witness Officer Statement: Sergeant Joe Stark, IBM 8136, is assigned to the Homicide Bureau. On April 2, 2015, Sergeant Stark responded to [redacted] Kirkwood after receiving information that the suspect who shot Detective Robert Armour had been arrested at that location. When Sergeant Stark arrived, the suspect, Mr. Daniel Jefferson, was being transported from the scene. Sergeant Stark remained on the scene to execute a search warrant for the residence. Sergeant Stark returned to the Homicide Bureau several hours later. While in the Homicide Bureau, Sergeant Stark observed Mr. Jefferson over a surveillance monitor take off his shirt and wipe his face, neck, and arms. Sergeant Stark believed Mr. Jefferson was attempting to remove evidence of gunshot residue from his person. Sergeant Stark notified Lieutenant Jeffrey Dickerson. Sergeant Stark then returned to his office and had no further contact with Mr. Jefferson.

Witness Officer Statement: Officer Calvin Taylor, IBM 1828, is assigned to the Bravo Shift D.U.I. Unit. On April 2, 2015, Officer Taylor responded to [redacted] 7 Kirkwood after receiving information that the suspect in an officer involved shooting was at that location. When he arrived on the scene, Officer Taylor observed Mr. Jefferson being taken into custody by members of OCU Team 10, specifically Detectives Fox, Smith, Jackson, and Gooch. According to Officer Taylor, other officers were also present, but he was not familiar with their names. Several officers had weapons drawn and Detective Fox began giving verbal commands. Mr. Jefferson was directed to raise his shirt up, turn around, and walk backwards towards officers with his hands in the air. He was then told to get down on the ground and lay flat with his hands behind his back. Mr. Jefferson complied and was handcuffed in the prone position by an unknown officer. In a matter of seconds, Mr. Jefferson was picked up off the ground and officers began to pat him down. Mr. Jefferson was then handed off to what appeared to be one or two Task Force Officers to be escorted to a squad car that was parked next to his.

Officer Taylor then joined the OCU Officers as they began to clear the residence. Officer Taylor covered the carport area while the other officers made entry into the residence. When no additional suspects were located, Officer Taylor went to the backyard and located a handgun. He remained with the handgun for several hours until Crime Scene arrived. When he cleared the scene, the squad car he saw Mr. Jefferson put into was still present and had a flat tire. Mr. Jefferson was no longer in that vehicle and Officer Taylor was unsure if he was still on the scene.

Witness Officer Statement: Officer Amorro Townsel, IBM 4444, is assigned to the Raines Station Bravo Shift. On April 2, 2015, Officer Townsel was riding in a two-man unit with Officer Terrance Holt, IBM 11039, and responded to [redacted] Kirkwood after receiving information that the suspect in an officer involved shooting was at that location. Officer Townsel made the scene at approximately 12:00 p.m., and observed a male black exiting the residence. Officer Townsel took cover behind a tree in the front yard, approximately twenty-five feet from the residence. Officer Townsel observed the male black walking towards a pit bull under the carport. Officers appeared hesitant to approach the suspect due to the pit bull and started giving the suspect verbal commands. The suspect was compliant with officer's commands and as he came to his knees, an officer approached, grabbed his hand, and started placing it behind his back. The suspect was

placed into handcuffs without incident. Officer Townsel advised it was unknown at that time if the male black was the person who shot Detective Armour. Officer Townsel then entered the house with Officer Jeremy Mackey, Detective Roshondra Jackson, and unknown task force officers from another precinct to look for additional suspects. After being unable to locate additional suspects, Officer Townsel exited the residence. He was then advised that the male black was in fact Mr. Jefferson.

Witness Officer Statement: Officer Torry Watson, IBM 11418, is assigned to the Raines Station Bravo Task Force. On April 2, 2015, Officer Watson made the scene at Hester after receiving information that Detective Robert Armour had been shot. While there, Officer Watson assisted the reporting officer, set up the crime scene tape, and provided additional support as needed. Officer Watson then drove a witness to 201 Poplar, Homicide Bureau. While there, Officer Watson did not have any contact with Mr. Daniel Jefferson, who was already on the scene. Officer Watson was not aware of any sort of incident that might have occurred in the Homicide Bureau involving Mr. Jefferson.

Witness Officer Statement: Detective James Watts, IBM 10640, is assigned to the Raines Station General Investigative Bureau. On April 2, 2015, Detective Watts was assigned to make the scene at Hester, the location where Detective Robert Armour was shot. After clearing the scene on Hester, Detective Watts made the scene at Kirkwood. Mr. Jefferson was already in custody when Detective Watts made the scene. Detective Watts had no visual or verbal contact with Mr. Jefferson while there. When Detective Watts returned to the Raines Station later that day, Mr. Jefferson had already been transported to 201 Poplar.

Witness Officer Statement: Major Kedzie White, IBM 9517, is assigned to the Raines Station Bravo Shift. On April 2, 2015, Major White responded to Hester after being notified Detective Robert Armour had been shot. When he arrived on the scene, an ambulance was attending to Detective Armour. Major White took command of the scene, established a command post at Cullenwood Road and Hester Road, and set up a perimeter. Major White, knowing that Homicide would be handling the investigation, directed Detective Fleming and Detective Watts from Raines Station GIB to make the scene on Hester to provide investigative support.

At some point, a suspect was established and cars started pulling over to an address on Kirkwood. Mr. Jefferson was taken into custody at Kirkwood while Major White was still on the scene on Hester. Major White remained on Hester for approximately two hours before returning to the Raines Station. When Major White returned to the Raines Station, Mr. Jefferson was no longer there.

Based on "subsequent allegations" he heard that Mr. Jefferson had sustained unnecessary force, Major White conducted interviews with Officers. Based on what he was able to gather, Officer Miller, Officer Rowsey, and Officer Mackey took Mr. Jefferson into custody. Afterwards, Officer Mackey and Officer Rowsey brought the suspect to the Raines Station. Major White was told they only remained at the Raines Station for

approximately three minutes because they received direction from Colonel Kirkwood to transport Mr. Jefferson to Homicide.

Witness Officer Statement: Detective Gary Williams, IBM 11995, is assigned to the Raines Station General Investigative Bureau. Detective Williams was present at the Raines Station when Mr. Jefferson was brought in for investigation. He was in the GIB office when he was informed by an unknown officer that the suspect was at the precinct along with officers from OCU. Since he was assigned to OCU for a period of time, he went to the common area of the precinct near the pool table to see what OCU officers were at the precinct. Once there, Detective Williams spoke with Sergeant Nemecek and observed several other officers walking in and out. Detective Williams advised he did not pay particular attention to what officers were there and, after speaking with Sergeant Nemecek, returned to his office to take a statement. Detective Williams stated he was not present when Mr. Jefferson left the station and never saw him while he was there. According to Detective Williams, he did not hear any noises coming from the detention area where Mr. Jefferson was being held that day. He advised that if there had been a disturbance in that area, he should have been able to hear it from his office.

Witness Officer Statement: Lieutenant Frank Winston, IBM 9568, is assigned to Team Six of the Organized Crime Unit. On April 2, 2015, Lieutenant Winston responded to Hester after receiving information that Detective Robert Armour had been shot at that location. Lieutenant Winston spoke with Lieutenant Renwick Cowans and advised him to remain with his team, that he would oversee the search warrants. Lieutenant Winston then changed his location to Kirkwood to take command of OCU Officers on that scene. By the time he arrived, Mr. Daniel Jefferson was already in custody and in the backseat of a squad car. Lieutenant Winston held the perimeter and waited for the search warrant to be prepared. At some point, while Lieutenant Winston was twenty-five to thirty feet away, Mr. Jefferson was moved from one squad car to another. At that time, Lieutenant Winston did not observe any injuries on Mr. Jefferson. He advised Mr. Jefferson was wearing urban wear, had braids in his hair, and his pants were falling off with his underwear showing. As he was being moved between cars, he yelled, "I love you, I love you," to a female that came through the security tape. Detective Louis Mobley directed the female to exit the crime scene area and officers put Mr. Jefferson into the squad car and drove away. Lieutenant Winston advised he did not know who gave the order for Mr. Jefferson to be transported to the Raines Station

Witness Officer Statement: Officer Todd Woodard, IBM 11422, is assigned to the Crump Station Bravo Task Force. On April 2, 2015, Officer Woodard was assigned to a two-man unit with Officer Derek Pittman, IBM 11805. At approximately 12:17 p.m., they made the scene at Kirkwood after hearing that the suspect responsible for shooting a police officer was at that location. Upon making the scene, Officer Woodard observed a very large dog under the carport. He immediately jumped in line with other officers and made entry into the residence. After clearing the house, Officer Woodard returned outside and shortly left the scene. According to Officer Woodard, he never saw Mr. Jefferson on that day.

Witness Officer Statement: Colonel Marcus Worthy, IBM 9480, is assigned to the Investigative Services Administration. On April 2, 2015, Colonel Worthy responded to 945 Hester after Detective Robert Armour was shot. Colonel Kirkwood and Lieutenant Colonel Sanders were already on the scene. He advised them to contact Homicide and Crime Scene. Colonel Kirkwood proceeded to notify the executive staff from his iPad. Colonel Worthy cleared Hester and headed toward Kirkwood. On the way, he was notified that the suspect, Mr. Daniel Jefferson, had been transported to the Raines Station. Colonel Worthy disregarded making the scene on Kirkwood and went to 791 East Raines Road. At the Raines Station, Colonel Worthy saw Colonel Kirkwood standing by the pool table and advised him that Mr. Jefferson should not be at the Raines Station because the Homicide Bureau was the investigating agency for all officer involved shootings. Colonel Kirkwood advised Colonel Worthy that he had forgotten and instructed officers to take Mr. Jefferson to the Homicide Bureau. Colonel Worthy then cleared the Raines Station without ever making contact with Mr. Jefferson.

Witness Officer Statement: Sergeant Lorenzo Young, IBM 1237, is assigned to Felony Response Charlie Shift. On April 2, 2015, Sergeant Young arrived at work at 4:00 p.m. At approximately 9:00 p.m., Major Caroline Mason requested he accompany her to the Homicide Bureau to speak to Mr. Daniel Jefferson. When Sergeant Young entered the Homicide Interview Room, Mr. Jefferson was eating pizza and had a cup of water. Mr. Jefferson made several random comments about Major Mason's jewelry, the Bible, and stated someone had thrown water at him. Sergeant Young stated neither Mr. Jefferson nor the interview room appeared to be wet and he did not think further on the comment. He and Major Mason had a hard time keeping Mr. Jefferson focused. At one point, Mr. Jefferson stated if officers touched him they would have to kill him. Sergeant Young advised the statement sounded chilling. He and Major Mason soon determined Mr. Jefferson would not cooperate with them and left the Homicide Bureau.

B) Physical Evidence:

N/A

C) Forensic Evidence:

N/A

D) Recorded Evidence:

1. Recorded & Transcribed Statements
2. Photographs
3. Audio Verification Forms
4. Garrity Advisory Forms
5. Medical Records
6. Log Sheets
7. Communications Audio Recording April 2, 2015
8. Sally Port Video April 13, 2015

E) Miscellaneous Evidence:

N/A

VI) AG Review:

This case file was not submitted to the Attorney General's Office for review.

VII) Analysis:

Allegations at / Kirkwood Road, Memphis, TN 38116

On April 2, 2015, Team Ten of the Organized Crime Unit was conducting an investigation of drug sales within the Raines Station district of the City of Memphis. During that investigation, Detective Robert Armour attempted to perform a traffic stop on a vehicle driven by Mr. Daniel Jefferson. Mr. Jefferson fired a pistol at Detective Armour, striking him once in the leg. Mr. Jefferson then fled to his mother's residence, located at / Kirkwood Road, where he was placed under arrest. Arresting officers located a loaded Springfield Armory 9mm pistol in the backyard of that location.

Mr. Jefferson was placed in handcuffs without incident by Officer Quintontro Irby. Since Officer Irby was not assigned to the Raines Station, he transferred custody of Mr. Jefferson to Officer Nicholas Gordon and Officer David Rowsey, members of the Raines Station Bravo Task Force. Officers Gordon and Rowsey then escorted Mr. Jefferson to a marked squad car to be held while paperwork was completed. According to Officer Rowsey's statement to ISB Investigators, while en route to the squad car, Mr. Jefferson refused to continue walking. He and Officer Gordon had to pick Mr. Jefferson up by the pants and carry him the rest of the way. As they carried him, he and Officer Gordon punched Mr. Jefferson in the stomach one time with a closed fist.

In his statement to ISB Investigators, Mr. Jefferson stated that the first two officers he came into contact with after being placed in handcuffs punched him in the face and in the ribs. They also stated to him, "You want to shoot the police, we got yo ass." Mr. Jefferson was unsure who these initial two officers were, but when shown several photo lineups of Memphis Police Officers, Mr. Jefferson circled Officer Gordon's picture and wrote, "He hit me in my face at the car at my mom's house."

Officer Gordon categorically denied striking Mr. Jefferson in any way. He advised that he and Officer Rowsey walked Mr. Jefferson to his squad car without incident. Once there, Mr. Jefferson mildly resisted getting into the backseat, but complied with minor guidance from Officer Rowsey. He never observed Officer Rowsey strike Mr. Jefferson. After that, he never placed his hands on Mr. Jefferson again.

Lieutenant Robert Chalmers and Detective Louis Mobley advised they watched as Officer Rowsey and Officer Gordon escorted Mr. Jefferson to the squad car. During that time, no force was used against Mr. Jefferson and he did not resist in any way. Their

statements supported Officer Gordon's claim that he did not strike Mr. Jefferson. His claim was reinforced by other officers on the scene. Investigators were unable to locate any officer that observed Officer Rowsey or Officer Gordon use force against Mr. Jefferson. With the exception of Officer Rowsey, no individual advised that Mr. Jefferson was struck as he was being taken to the first squad car except Mr. Jefferson himself.

Mr. Jefferson remained in that first squad car for about an hour. A decision was then made to transport him to the Raines Station for GIB to handle the investigation. According to Lieutenant Chalmers, Lieutenant Colonel Sanders made that decision. He was unsure who actually gave the order for officers to transport, but believed it was one of the GIB detectives. This was confirmed by Detective Fleming, the lead Raines Station GIB investigator on the scene. Detective Fleming stated he was directed by Lieutenant Colonel Sanders to have Mr. Jefferson moved to the Raines Station. Therefore, he personally told officers to transport Mr. Jefferson there. He could not recall which officer he conveyed that order to, but stated it was whoever had Mr. Jefferson detained at the time.

Meanwhile, Officer Gordon's squad car was observed to have a flat tire. Subsequently, Lieutenant Chalmers directed Officer Mackey to assist. Officer Mackey and Officer Rowsey had Mr. Jefferson exit Officer Gordon's vehicle. Mr. Jefferson inquired of them, "Y'all ain't gonna beat me up again, is it?" To which, according to Mr. Jefferson, one of the officers replied, "You got the right mutha fucker this time." The officer then picked him up by his pants and dragged him to another car. The officer hit Mr. Jefferson's head on the door and threw him into the backseat while his mother, Angela Hill, watched.

According to Ms. Angela Hill, she was less than twenty feet away as Mr. Jefferson was shifted between squad cars. As he was walking, he spoke to her and said that he was "gonna be alright." He did not appear to have any kind of injuries and walked approximately three car lengths to the second squad car. There was no physical contact between the officers and Mr. Jefferson during that time. He was placed into another squad car without incident and driven from the scene. Mr. Jefferson's sister, Whitney Hill, gave a similar version of events. She was standing approximately fifteen feet away from Mr. Jefferson as he was being moved from one squad car to another. She advised that two male black officers wearing all black with "Police" in white letters on their shirt got him out of one squad car. As he was walking towards a second squad car, he kept saying, "Momma I'm ok, momma I'm ok." According to Ms. Hill, she had a clear view of Mr. Jefferson the entire time he was being moved between the cars. Officers never hit him, slammed him against the car, or physically struck him. When he arrived at the second squad car, officers pushed him inside, but it was not a forceful push, more of a "get on in the car" type of push.

In his statement to ISB Investigators, Officer Rowsey stated that as he was moving Mr. Jefferson between squad cars, Mr. Jefferson started yelling that he "didn't do it" and said, "Fuck this shit!" Mr. Jefferson stiffened up and refused to get into Officer Mackey's squad car. He responded by telling Officer Mackey to move back. He then picked Mr. Jefferson up between his legs, caught his upper body with his arm, and threw him head first inside the rear driver's side of the squad car.

According to Officer Mackey, when they arrived at his squad car, Mr. Jefferson did not want to sit down. Officer Rowsey told him to get back. He moved to the driver side door and Officer Rowsey threw Mr. Jefferson into the backseat. Officer Rowsey then got in the passenger's seat and they proceeded to the Raines Station.

Lieutenant Frank Winston was standing twenty-five to thirty feet away as Mr. Jefferson was being transferred between squad cars. He did not observe any officer use force against Mr. Jefferson during the transfer. Mr. Jefferson did not appear to resist officers in any way and yelled, "I love you, I love you," to a nearby female citizen. Lieutenant Robert McIntyre was also standing approximately twenty feet away during this time. He heard Mr. Jefferson yell to a nearby female, but was unsure what he was saying. He advised he did not watch Mr. Jefferson the entire time, but from what he observed, no officer used force against him.

Colonel James Kirkwood advised he was "right there" as Mr. Jefferson was being escorted between squad cars. According to Colonel Kirkwood, the only force officers used against Mr. Jefferson during this process was holding his arm in the escort position. Mr. Jefferson resisted a little and talked in a loud voice, but officers maintained a good grip on him. Colonel Kirkwood advised that other than their grip, officers did not respond to Mr. Jefferson's behavior in any way besides asking him to get into the second squad car.

The first issue related to this investigation centers upon the actions of Officers Nicholas Gordon and David Rowsey and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR 301 Excessive/Unnecessary Force**, which states:

Excessive/Unnecessary Force is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

While this policy defines excessive/unnecessary force, it does not offer a method to determine whether or not the force used against Mr. Jefferson during his arrest was reasonable. Therefore, the Memphis Police Department's use of force policies must be applied (Memphis Police Department Policies and Procedures Manual, Chapter 2, Section 8, Response to Resistance, pages 1-11). These policies are based upon the landmark U.S. Supreme Court case that defines reasonable use of force by police officers in the line of duty, *Graham v. Connor (US 1989)*.

The ruling in *Graham V. Connor* holds that all claims that law enforcement officials had used excessive force -deadly or not- in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen, are properly analyzed under the Fourth Amendment's "objective reasonableness" standard. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the "20/20 vision of hindsight." The test of reasonableness is not capable of precise definition or mechanical application. Its proper application requires careful attention to the facts and circumstances of each particular case, including:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of the officers or others; and
3. Whether he/she is actively resisting arrest or attempting to evade arrest by flight.

This "objective reasonableness" standard was applied during the investigation of the complaint of the use of Excessive/Unnecessary Force by Officer Nicholas Gordon and Officer David Rowsey at Kirkwood Road. The three standards applied in *Graham v. Connor* were used to determine the reasonableness of the use of force applied by Officers Gordon and Rowsey and revealed the following:

1. The crimes at issue in this investigation were Criminal Attempt Felony to wit: First Degree Murder, Employment of a Firearm During the Commission of a Dangerous Felony, and Convicted Felon in Possession of a Weapon, all felonies in the State of Tennessee.
2. The suspect, Daniel Jefferson, did not pose an immediate threat to the safety of officers or others because his hands were cuffed behind his back throughout his contact with officers.
3. Mr. Jefferson did not actively resist officers or attempt to evade arrest by flight.

With these standards applied, the facts of the investigation revealed that Mr. Jefferson's actions were insufficient to place officers in reasonable fear of bodily harm. While handcuffed behind his back, he posed no viable threat to Officers Gordon and Rowsey. For this reason, any physical force used by officers against Mr. Jefferson would therefore be unnecessary and performed for punitive purposes only.

Other than Officer Rowsey's admission that he punched Mr. Jefferson in the stomach as he was carrying him to Officer Gordon's squad car, there was no evidence to support that excessive or unnecessary force was used against him at 1637 Kirkwood Road. There was an immense presence of officers on the scene, none of whom saw force being used. Lieutenant Chalmers and Officer Mobley both attested that no force was used against Mr. Jefferson during his escort to the first squad car.

As far as force being used against Mr. Jefferson as he was placed into the second squad car, the eyewitness testimony of Angela Hill, Whitney Hill, Lieutenant Frank Winston, Lieutenant Robert McIntyre, and Colonel James Kirkwood leads one to believe that whatever force was actually used was not excessive or unnecessary. Officer Rowsey's admission to "throwing" Mr. Jefferson into the backseat was made prior to his confession of using force against Mr. Jefferson at the Raines Station and may have been an attempt to explain away the injuries he sustained later that day.

Therefore, the preponderance of the evidence was unable to prove or disprove that Officer Nicholas Gordon violated the Memphis Police Department's **DR 301 Excessive/Unnecessary Force** while on the scene at 1637 Kirkwood Road. Despite this, Officer David Rowsey's admission that he punched Mr. Jefferson in the stomach while he was handcuffed places him in violation of the Memphis Police Department's **DR 301 Excessive/Unnecessary Force** policy. Therefore, the allegation that Officer David Rowsey used excessive or unnecessary force against Mr. Jefferson at 1637 Kirkwood Road is sustained.

Allegations at 791 East Raines Road, Memphis, TN 38116

Officer Mackey then drove Officer Rowsey and Mr. Jefferson to 791 East Raines Road, Raines Station. Detective Fleming left shortly thereafter, but Lieutenant Colonel Sanders called and instructed him to return to 1637 Kirkwood Road after it was determined that Homicide would handle the investigation instead of Raines GIB. Officer Mackey and Officer Rowsey did not receive that information and arrived at the Raines Station.

Mr. Jefferson advised as soon as he got to the door, officers started hitting him in his ribs and back. A male white wearing a suit and necktie said, "Go take him to the bathroom, don't do it out here." As a result, he was escorted to a side room where a ping pong table was located. Once in the room, Officer Mackey pulled Mr. Jefferson's shirt over his head and started hitting him in the ribs. Officer Mackey then leaned him over the table and started hitting him with a ping pong paddle. Afterwards, officers picked him up by the handcuffs and slammed him to the ground. During this time, an officer kept saying, "Take the handcuffs off so we can kill him. Take the handcuffs off so we can kill him." Mr. Jefferson balled up on the floor and Officer Rowsey stated, "It's time to get some WCW shit going on." Officer Rowsey then hit him with a chair and kicked him in the buttocks and groin three or four times. Another officer entered the room and hit him in the side of the head with some kind of food container that he described as a "little plastic bucket." At that point, someone whom Mr. Jefferson believed to be a lieutenant entered the room. Mr. Jefferson started yelling for help and the "lieutenant" told officers to "cut it

out.” Officers immediately stopped striking Mr. Jefferson. One of the officers pulled out his baton and put it in Mr. Jefferson’s ribs and stated, “I’m gonna break yo ribs if you don’t shut up,” and another officer wearing a suit stated, “I’m mace you myself.” Mr. Jefferson stopped talking to avoid being struck again.

Mr. Jefferson advised officers then said it was “time for round two.” They walked him towards the suspect bench and Officer Rowsey kicked him in his back. Officer Rowsey continued punching him as he was being handcuffed to the bench. Mr. Jefferson lied to officers and said, “I had an aneurism in my head, I had a blood clot in my head and y’all keep on hitting me in my head.” Officer Rowsey then exited the room and Mr. Jefferson was left alone with Officer Mackey. Officer Mackey began talking to Mr. Jefferson and told him, “I’d rather do it without the handcuffs so we can act like you reaching for the weapon. Then it wouldn’t be no, no discrepancy in us killing you.”

Although the allegation was reported on Action News 5, Mr. Jefferson never alleged that officers removed his clothing prior to striking him in his statement to ISB Investigators. He did state that officers pulled his shirt over his head and kept pulling his pants up. However, at no point did he state he was stripped down naked prior to being struck by officers. For this reason, it is unknown if the media merely sensationalized Mr. Jefferson’s comment about his shirt being pulled over his head.

Regardless of Mr. Jefferson’s level of dress, Officers Rowsey and Mackey initially gave deceitful information in regards to him being struck by officers. Both officers submitted memos to Colonel Kirkwood advising that after they entered the detention area, Mr. Jefferson flopped to the ground and stated he had AIDS. They proceeded to shackle his leg to the detention bench and remove his handcuffs. They maintained that version of events even when speaking to ISB Investigators. However, they were inconsistent as to who actually removed Mr. Jefferson’s handcuffs, each stating the other officer performed the action. Ultimately, when pressed on the details of what occurred, Officer Rowsey finally admitted to using force against Mr. Jefferson.

According to Officer Rowsey, as they walked inside the detention area, Mr. Jefferson stated, “Yeah I shot that motherfucker. That’s good for that motherfucker.” At that point, Officer Rowsey kicked Mr. Jefferson in the back causing him to stumble forward. He remained on his feet for a moment, but then suddenly flopped down on the floor, still handcuffed behind his back. Officer Rowsey and Officer Mackey then began punching him as he lay handcuffed on the floor. Officer Mackey punched Mr. Jefferson twice in the stomach area as he punched Mr. Jefferson in the back and in the stomach. In the meantime, Officer Armond Fairley entered the room. Officer Fairley stated something to the effect of, “Is this the guy that shot the officer?” and proceeded to punch Mr. Jefferson in the stomach area. Mr. Jefferson was lying on the floor handcuffed behind his back as Officer Fairley punched him. Mr. Jefferson began screaming for help and Officer Rowsey noticed additional officers in the room watching. When he thought he had done enough, he stopped punching Mr. Jefferson. He was not sure if the other officers continued punching Mr. Jefferson or stopped too. He left the area to go to the restroom. When he returned, Mr. Jefferson was still lying on the floor in handcuffs. Officer Mackey shackled

Mr. Jefferson's leg to the detention bench and he picked Mr. Jefferson up and sat him on the bench. Mr. Jefferson was not given any verbal commands during the incident.

According to Officer Rowsey, he did not recall any officer striking Mr. Jefferson with a ping pong paddle, a chair, or a plastic container. He recalled someone entering the room and making a comment about what they were doing, but he could not remember the identity of the individual. Officer Rowsey concluded his statement by stating that it was his first time ever responding to an officer being shot and a lot of things were done out of emotions.

Rather than admit to his participation from the onset, Officer Mackey continued to give a false account of what occurred. Officer Mackey never admitted to what actually transpired during his forty-eight minute statement to ISB Investigators. Instead, he left the office and shortly thereafter contacted the Memphis Police Association. He spoke to Vice-President Essica Cage-Littlejohn and informed her that he wished to return to the ISB Office to "clarify" some things in the statement he gave Investigators. The ISB Supervisor, Lieutenant Felecica Adams, was advised of the situation and granted Officer Mackey permission to return and amend his statement.

In his second statement, Officer Mackey advised that upon their arrival at Raines Station, Mr. Jefferson was making comments about shooting Detective Armour. He was being cold-hearted about the shooting and acting like he did not care he had shot a police officer. Officer Mackey thought Mr. Jefferson was possibly a mental consumer because he was acting like he did not have any emotions. As they entered the building, Officer LaChristo Flagg and Officer Fairley were standing by the rear door. Mr. Jefferson resisted and jiggled and called for help. In response, Lieutenant Byron Hardaway approached and spoke to Mr. Jefferson. Afterwards, Lieutenant Hardaway returned to the Charlie Shift Lieutenant's Office. Officer Rowsey continued into the detention area with Mr. Jefferson and he stopped to ask Officer Fairley for a handcuff key. He then entered the detention area with Officer Rowsey and Mr. Jefferson; the door closed behind him.

As soon as Officer Mackey entered the detention area, Mr. Jefferson appeared to snatch away and say something. In response, Officer Rowsey kicked him in the back. Mr. Jefferson stumbled forward and landed on his knees. Officer Rowsey punched him twice and officers began rushing inside the detention area. Officer Mackey advised he did not know if Officer Rowsey had taken one of the handcuffs off or if Mr. Jefferson had just snatched away, but he lost it and began hitting Mr. Jefferson in the stomach. While he was punching Mr. Jefferson in the stomach, Officer Fairley entered the room. Officer Mackey could not recall if Officer Fairley began kicking Mr. Jefferson or if he only punched him. He did recall Officer Fairley attempting to strike Mr. Jefferson with a little plastic bucket; however, the bucket broke and he did not think that it hit Mr. Jefferson. Officer Mackey believed one of the handcuffs was dangling loose, but could not say who had removed it. Officers Rowsey, Mackey, and Fairley tried to pry Mr. Jefferson's hands apart, but were unable to separate them.

By this point, Mr. Jefferson was screaming for help. Officer Mackey estimated there were at least three to four officers in the room besides him, Officer Rowsey, and Officer Fairley. Some of the officers were male black and others were male white. Some were wearing the standard blue MPD uniform while others were wearing black throw-over tactical vests. He did not recall seeing anyone that was not assigned to the Raines Station, but was unsure who all was present. Officer Mackey admitted that he was so angry and focused on Mr. Jefferson that he could not recall who else was there or what they were saying. The only officer he could remember seeing was Officer Brandon McLean.

Despite his auditory exclusion, Officer Mackey did recall someone opening the door and saying, "Stop, it's enough." He was not sure who that person was because he was in the middle of other officers striking Mr. Jefferson at the time. The voice was male and, according to Officer Mackey, was possibly a supervisor because everybody stopped striking Mr. Jefferson and those standing around watching immediately cleared the room. Afterwards, Officer Rowsey pulled Mr. Jefferson over to the detention bench. He shackled his leg and removed the handcuffs. Officer Rowsey sat Mr. Jefferson up on the bench and exited the room. He was left alone with Mr. Jefferson. While waiting, he went over to get a ping pong paddle and started bouncing a ball up and down on the ping pong table. Before long, one of the GIB detectives entered the room, said something and left a few seconds later. Officer Rowsey then re-entered the room and stated they needed to go to the Homicide Bureau.

Officer Mackey denied ever striking Mr. Jefferson with a ping pong paddle. He stated that no one in the room ever touched a ping pong paddle until he started playing with one as Mr. Jefferson sat on the bench. He concluded his statement by apologizing for his actions and stated that after seven years with the department he should have done a whole lot better.

Rather than admitting the truth, Officer Fairley presented a sequence of events that conflicted with Officer Rowsey and Officer Mackey's statements. According to Officer Fairley, he was standing in the common area of the Raines Station when Mr. Jefferson was brought in through the rear door. Officer Mackey asked him for a handcuff key and he handed him one. In the background, he observed Officer Rowsey struggling with Mr. Jefferson inside the detention area and heard handcuffs clanging. According to Officer Fairley, at that time, Mr. Jefferson had one handcuff on his right hand and his left hand was free. Mr. Jefferson was lying on the floor, waving his arms, kicking, and screaming. Officer Rowsey was telling Mr. Jefferson to put his hands behind his back, but Mr. Jefferson refused to comply.

Officer Mackey ran inside the detention area and Officer Fairley followed. At that point, Mr. Jefferson was lying on his stomach. Officer Fairley held down Mr. Jefferson's right arm and shoulder while Officer Mackey held down the left. While he was holding Mr. Jefferson down, Officer Fairley attempted to keep Mr. Jefferson from hitting him in the face because he was moving his hands back and forth. Mr. Jefferson started saying, "Y'all harassing me," "This is police brutality," and "Help!" Officer McLean soon entered the room and asked officers, "Y'all good?" Everybody responded, "Yeah, we got

him," and Officer McLean exited. The handcuffs were put back on Mr. Jefferson. Officer Fairley could not recall who accomplished that task and stated it was more or less a joint effort.

According to Officer Fairley, once the handcuffs were in place, he left the detention area. At no point did he, Officer Rowsey, or Officer Mackey hit, kick, punch, or otherwise strike Mr. Jefferson. Furthermore, while he was in the detention area with Mr. Jefferson, no force was used beyond holding Mr. Jefferson down and placing his wrists in handcuffs.

ISB Investigators then interviewed Officer Brandon McLean. Officer McLean stated that as he entered the Raines Station, he heard a loud commotion coming from the detention area near the back door. He proceeded to the detention area to see what the commotion was. Once inside, he observed a male suspect on the floor, approximately five foot inside the door, on the north side of the ping pong table. The suspect was wearing one handcuff and flailing his arms from side to side. Officer Rowsey, Officer Mackey, and Officer Fairley were standing over the suspect and had him by both of his arms. Officer McLean asked the officers if they needed assistance and they declined. As he exited the room, approximately five seconds after he entered, he observed officers assisting the suspect to his feet. He never saw any officer hit, kick, strike, or punch the suspect.

ISB Investigators were unable to determine what other officers entered the detention area while Mr. Jefferson was present. Only Detective Stacy Faulkner admitted to entering the room. He advised that when he entered, Mr. Jefferson was shackled to the bench and Officer Mackey was playing ping pong. He asked Mr. Jefferson for his name and date of birth and exited. His statement was consistent with Officer Mackey's and he was therefore excluded from being in the room at the time Mr. Jefferson was being struck by officers. Besides Detective Faulkner and Officer McLean, none of the other officers at the precinct that day admitted to entering the room.

ISB Investigators were similarly unable to determine which supervisor entered the detention area and told officers to stop striking Mr. Jefferson. According to the various statements, there were only three supervisors at the Raines Station while Mr. Jefferson was present. Those supervisors were Colonel James Kirkwood, Colonel Marcus Worthy, and Lieutenant Byron Hardaway.

Colonel Kirkwood admitted that he entered the detention area with Mr. Jefferson upon his arrival at the Raines Station. At that time, nothing appeared out of the ordinary. Mr. Jefferson was sitting on the suspect bench and he ordered officers to take him to the Homicide Bureau. The exact time this occurred was unknown. However, according to Detective Faulkner, Colonel Kirkwood did not arrive at the Raines Station until after he exited the detention area. Detective Faulkner specifically recalled Colonel Kirkwood walking up the rear walkway as he entered the detention area and entering the rear door as he exited the detention area. This fact was not disputed by anyone else and seemed to coincide with the general sequence of events. Since officers stopped striking Mr.

Jefferson before Detective Faulkner entered the room, the ISB Investigator was able to exclude Colonel Kirkwood as being the supervisor that observed officers striking him.

Colonel Worthy advised he also made the scene at the Raines Station. The exact time of his arrival is unknown. Colonel Kirkwood stated that when he arrived, Colonel Worthy was already present in the building. However, Officer Rowsey only noticed Colonel Worthy inside the building after he exited the restroom, which occurred after officers had struck Mr. Jefferson. At the time Officer Rowsey saw him, Colonel Worthy was standing by the pool table speaking with Colonel Kirkwood. Officer Rowsey overheard Colonel Worthy tell Colonel Kirkwood that Mr. Jefferson should be in the Homicide Bureau and not at the Raines Station. For this reason, Colonel Worthy was excluded from being the supervisor that saw officers striking Mr. Jefferson.

With both Colonels excluded, only Lieutenant Hardaway remained as being present in the building at the time Mr. Jefferson was being struck by officers. In his statement, Mr. Jefferson stated he believed the person who entered the room to tell officers to stop hitting him was a lieutenant. Since Mr. Jefferson had previous contact with Lieutenant Hardaway and identified him as being a lieutenant at that time, it is possible Lieutenant Hardaway was the one who entered the room. However, Mr. Jefferson never mentioned that interaction in his original complaint and therefore did not positively identify him as being the person who entered the room.

During the investigation, ISB Investigators confirmed that as Mr. Jefferson entered the back door, he spoke with Lieutenant Hardaway. Lieutenant Hardaway acknowledged the encounter to ISB Investigators. He advised he was in his office completing paperwork when he heard a lot of yelling and screaming by the back door. He exited the Charlie Shift Lieutenant's Office and observed Mr. Jefferson being brought in by officers. The officers were trying to pull his pants up because they were at his thighs. Mr. Jefferson was yelling "Help!"

As Lieutenant Hardaway approached, Mr. Jefferson was moving wildly and squirming. Mr. Jefferson stated, "Lieutenant, they trying to kill me," to which Lieutenant Hardaway replied, "Nobody's going to do anything to you. You do what the officers tell you to do." According to Lieutenant Hardaway, this seemed to calm Mr. Jefferson. He stopped yelling and screaming and said, "Ok lieutenant, I'll do what they tell me to do." Lieutenant Hardaway returned to the Charlie Shift Lieutenant's Office as Mr. Jefferson was taken into the detention area. Lieutenant Hardaway advised he never heard any noise coming from the detention area after Mr. Jefferson was taken inside and never entered the area.

The second issue related to this investigation centers upon the actions of Officers David Rowsey, Jeremy Mackey, and Armond Fairley and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR 301 Excessive/Unnecessary Force**, which states:

Excessive/Unnecessary Force is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

While this policy defines excessive/unnecessary force, it does not offer a method to determine whether or not the force used against Mr. Jefferson at the Raines Station was reasonable. Therefore, the Memphis Police Department's use of force policies must be applied (Memphis Police Department Policies and Procedures Manual, Chapter 2, Section 8, Response to Resistance, pages 1-11). These policies are based upon the landmark U.S. Supreme Court case that defines reasonable use of force by police officers in the line of duty, **Graham v. Connor (US 1989)**.

The ruling in **Graham V. Connor** holds that all claims that law enforcement officials had used excessive force -deadly or not- in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen, are properly analyzed under the Fourth Amendment's "objective reasonableness" standard. The "reasonableness" of a particular use of force must be judged from the perspective of a **reasonable officer on the scene**, rather than with the "20/20 vision of hindsight." The test of reasonableness is **not capable of precise definition or mechanical application**. Its proper application requires careful attention to the facts and circumstances of each particular case, including:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of the officers or others; and
3. Whether he/she is actively resisting arrest or attempting to evade arrest by flight.

This "objective reasonableness" standard was applied during the investigation of the complaint of the use of Excessive/Unnecessary Force by Officer David Rowsey, Officer Jeremy Mackey, and Officer Armond Fairley at 791 East Raines. The three standards applied in Graham v. Connor were used to determine the reasonableness of the use of force applied by Officers Rowsey, Mackey, and Fairley and revealed the following:

1. The crimes at issue in this investigation were Criminal Attempt Felony to wit: First Degree Murder, Employment of a Firearm During the Commission of a Dangerous Felony, and Convicted Felon in Possession of a Weapon, all felonies in the State of Tennessee.
2. The suspect, Daniel Jefferson, did not pose an immediate threat to the safety of officers or others because his hands were cuffed behind his back throughout his contact with officers.
3. Mr. Jefferson did not actively resist officers or attempt to evade arrest by flight.

With these standards applied, the facts of the investigation revealed that Mr. Jefferson's actions were insufficient to place officers in reasonable fear of bodily harm. While handcuffed behind his back, he posed no viable threat to Officers Rowsey, Mackey, or Fairley. For this reason, any physical force used by officers against Mr. Jefferson was therefore unnecessary and performed for punitive purposes only.

Officer Rowsey admitted that he kicked Mr. Jefferson in the back while he was in handcuffs because he made a comment about shooting Detective Armour. Officer Rowsey proceeded to punch Mr. Jefferson as he cowered on the floor. This prompted Officer Mackey to begin punching Mr. Jefferson. Officer Mackey would not admit that Mr. Jefferson was handcuffed at the time. Instead, he led investigators to believe that Mr. Jefferson had one arm free, as did Officer Fairley. Officer Fairley attempted to minimize his participation, but Officer Rowsey and Officer Mackey both affirmed that Officer Fairley did strike Mr. Jefferson. Therefore, Officer Fairley did not simply hold Mr. Jefferson down as he stated to ISB Investigators. Officer Fairley punched Mr. Jefferson several times and struck him with a plastic container. As a result of their actions, Officer Rowsey, Officer Mackey, and Officer Fairley were in violation of the Memphis Police Department's **DR 301 Excessive/Unnecessary Force**.

The third issue related to this investigation centers upon the actions of Officers David Rowsey, Jeremy Mackey, and Armond Fairley and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR 104 PERSONAL CONDUCT**, which states:

DR 104 PERSONAL CONDUCT

The conduct of each member, both on and off-duty, is expected to be such that it will not reflect adversely on other members, the Department, the City of Memphis, or the law enforcement profession. This regulation applies to both the professional and private conduct of all members. It prohibits any and all conduct which is contrary to the letter and spirit of departmental policy and procedure which would reflect adversely upon the Department or its members. It includes not only all unlawful acts by members but also acts which, although not unlawful in themselves, would violate the Law Enforcement Code of Ethics, and would degrade or bring disrespect upon the member or the Department.

By striking a handcuffed prisoner, Officer Rowsey, Officer Mackey, and Officer Fairley not only needlessly used force, but displayed conduct that degrades and disrespects the law enforcement profession. In regards to use of force, The Law Enforcement Code of Ethics states:

A police officer never employs unnecessary force or violence and uses only such force in the discharge of duty as is reasonable in all circumstances. Force is used only with greatest restraint and only after discussion, negotiation, and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer refrains from the unnecessary infliction of pain or suffering and never engages in cruel, degrading or inhuman treatment of any person.

Officers Rowsey, Mackey, and Fairley failed to use restraint in their dealings with Mr. Jefferson inside the Raines Station Detention Area. No verbal commands were given to him to compel compliance because he did not resist officers. Mr. Jefferson made a comment that angered Officers and they used force as the first and only response.

In addition to prohibiting the unnecessary use of force, the Law Enforcement Code of Ethics outlines how officers should perform in the line of duty. The Code of Ethics states:

A police officer performs all duties impartially, without favor, affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens are treated equally with courtesy, consideration and dignity. Officers never allow personal feelings, animosities or friendships to influence official conduct. Laws are enforced appropriately and courteously and, in carrying out their responsibilities, officers strive to obtain maximum cooperation from the public. They conduct themselves, in appearance and deportment, in a way that inspires confidence and respect for the position of public trust they hold.

Officer Rowsey and Officer Mackey both admitted that they allowed their emotions to fuel their conduct towards Mr. Jefferson. Officer Rowsey admitted that he was angry that Mr. Jefferson had shot a police officer and allowed his emotions to overcome him. His anger clouded his judgement and, as a result, he kicked Mr. Jefferson while he was handcuffed behind his back. In doing so, Officer Rowsey started a chain of events that led officers to strike Mr. Jefferson. Ultimately, Officer Mackey advised that he had never been that angry before and simply "lost it". However, prior to that he stated to ISB Investigators that he used the same due care with Mr. Jefferson as he would any other

citizen of Memphis. While it was unknown to him at the time he made the statement that Investigators were aware of his true actions, the fact remains that he made the statement knowing he had assaulted a handcuffed citizen inside a police station. Even though the statement was possibly intended to reassure Investigators that he behaved appropriately, it raises the question of his suitability to have continued contact with the public under the color of law.

Regardless of their justification, or lack thereof, Officer Rowsey, Officer Mackey, and Officer Fairley failed to conduct themselves in a manner that inspires confidence and respect for the position of public trust they hold. No matter the severity of the crime committed, the citizens of Memphis are entitled to be dealt with impartially until judged by a jury of their peers. It is essential that an officer's anger and personal beliefs not influence their handling of prisoners. Therefore, their actions place Officer Rowsey, Officer Mackey, and Officer Fairley in violation of the Memphis Police Department's **DR 104 PERSONAL CONDUCT**.

The fourth issue related to this investigation centers upon the actions of Officers David Rowsey, Jeremy Mackey, and Armond Fairley at 791 East Raines Road and whether their actions transcend the standards of the Memphis Police Department's **DR 108 TRUTHFULNESS**, which states:

DR 108 TRUTHFULNESS

A member shall not give any information, either oral or written, in connection with any assignment or investigation that is either knowingly incorrect, false, or deceitful.

On April 6, 2015, supervisors at the Raines Station requested Officers Rowsey and Mackey to submit memos regarding their interaction with Mr. Jefferson on April 2, 2015. Both officers submitted memos stating that after they walked Mr. Jefferson into the detection area, he fell to the ground for an unknown reason. Officers then assisted Mr. Jefferson to his feet and shackled him to the suspect bench. Neither memo stated that officers used force against Mr. Jefferson in any way whatsoever.

Officer Mackey continued to provide deceitful information at the onset of this investigation. He initially denied using force against Mr. Jefferson during a forty-eight minute statement to ISB Investigators. Even after he was allowed to amend his first statement, he attempted to minimize his actions by stating they were in response to Mr. Jefferson being free of his handcuffs. He never admitted that Mr. Jefferson was handcuffed the entire time he was being struck by officers. Officer Mackey maintained that one of Mr. Jefferson's hands were free while he was striking him.

Officer Fairley, on the other hand, never admitted that he struck Mr. Jefferson. Officer Fairley maintained that his only action with Mr. Jefferson was to hold him down and place him in handcuffs. Officer Fairley stated that Mr. Jefferson initially only had handcuffs on one hand and his other hand was free because Officer Rowsey had removed one of the handcuffs prior to his entry into the detention area. This statement was false,

however. Officer Rowsey admitted that he never removed the handcuffs from Mr. Jefferson prior to striking him. When combined with Mr. Jefferson's testimony that officers stated, "Take the handcuffs off so we can kill him," and, "I'd rather do it without the handcuffs so we can act like you reaching for the weapon," the preponderance of the evidence suggests that Mr. Jefferson was handcuffed the entire time. Therefore, Officer Rowsey, Officer Mackey, and Officer Fairley's actions place them in violation of the Memphis Police Department's **DR 108 TRUTHFULNESS**.

A fifth issue related to this investigation centers upon the actions of Lieutenant Byron Hardaway and whether his actions transcend the standards of the Memphis Police Department's **DR 120 NEGLECT OF DUTY**, which states:

DR 120 NEGLECT OF DUTY

A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.

B. A member with supervisory responsibility is required to properly supervise their subordinates in compliance with the above, and the failure of any supervisor to do so through deliberateness, carelessness, neglect, or inefficiency shall be a violation.

Although Lieutenant Hardaway initially responded to Mr. Jefferson's call for help, he failed to follow through on his complaint. Mr. Jefferson stated to Lieutenant Hardaway, "Lieutenant, they trying to kill me," to which Lieutenant Hardaway replied, "Nobody's going to do anything to you. You do what the officers tell you to do." In doing so, Lieutenant Hardaway effectively brushed Mr. Jefferson's complaint aside. He failed to inquire as to why Mr. Jefferson made such a statement and neglected to ask the necessary follow-up questions. As a supervisor, it was Lieutenant Hardaway's responsibility to investigate Mr. Jefferson's complaint against officers and not simply pacify him. Per Departmental Policy, lieutenants are charged with ensuring that all policies, rules, regulations, orders, and directives of the Department are enforced and implemented by their subordinates. Since uniform patrol officers are tasked with providing security and care for all persons and property coming into their custody, a reasonable and prudent lieutenant would have identified the level of care officers had used with Mr. Jefferson after he complained of possible bodily harm. Had a lieutenant taken the necessary time to address his complaint of mistreatment, it is possible that Mr. Jefferson would not have been struck by officers inside the detention area. Therefore, Lieutenant Byron Hardaway's inaction places him in violation of the Memphis Police Department's **DR 120 NEGLECT OF DUTY**.

Allegations at 201 Poplar Avenue, Memphis, TN 38103

When Officer Mario Miller arrived at the Raines Station, Officer Rowsey told him that he did not want to transport Mr. Jefferson to 201 Poplar. Officer Miller advised it was evident that Officer Rowsey was upset and angry, so he agreed to relieve him. Officer Miller and Officer Mackey began transporting Mr. Jefferson to 201 Poplar, Homicide Bureau, at approximately 1:31 p.m. They arrived at approximately 1:45 p.m. Officer Miller took Mr. Jefferson into the interview room and shackled him to the suspect bench. Officer Mackey and Officer Miller remained in the Homicide Bureau until approximately 3:45 p.m., when they returned to the Raines Station to end their shift.

In his statement to ISB Investigators, Mr. Jefferson advised that when he arrived at the Homicide Bureau he spoke with an officer named Kelly. At first, everything was fine. However, later on, he asked a white officer for a drink of water and the officer said, "I'm gonna go get Kelly." For some unknown reason, Sergeant Kelly entered the room and threw a cup of water in his face. Sergeant Kelly then poured the remaining water on top of his head as another officer entered the room with a little blue light looking for gun powder residue. The officer with the blue light attempted to take pictures of him, but he told the officer he did not want to be photographed. Mr. Jefferson began wiping the water off his face with his shirt and Sergeant Kelly hit him in the face and said, "Quit wiping your face." Sergeant Kelly then threw him on the floor and grabbed him by his braids. Sergeant Kelly pulled his braids up from the root and hit his head against the wall three times. Sergeant Kelly proceeded to hold his head while the other officer took pictures of him. Mr. Jefferson advised he was then asked to sign some papers but he refused because he wanted to call his attorney. A short while later, he advised detectives he needed to go to the hospital because his chest hurt and he could not catch his breath. He was subsequently taken to Regional One Health and received a CAT scan and X-Rays.

While at Regional One Health, Mr. Jefferson informed medical staff that he was kicked by police officers and struck in the chest with police batons. He complained of pain in his back, right wrist, right hand, scrotum, and abdomen. A CAT scan revealed that he had no fractures or scalp hematoma. However, medical personnel observed him to have bruising to his face, back, and chest area. Some of this bruising was present when he gave his statement to ISB Investigators; photographs were taken to document the injuries.

According to Homicide Interview Notes, when Mr. Jefferson arrived at the Homicide Bureau, he was given a six-ounce Styrofoam cup of water and some peanut butter crackers. He soon requested more food and beverage and was provided two additional packages of crackers and his water cup was refilled. He had several verbal exchanges with detectives during which they joked back and forth.

Around 5:25 p.m., Sergeant Kelly and Sergeant James Smith entered the interview room with an office supplied alternate light source (ALS). Sergeant Kelly utilized the ALS and noted Mr. Jefferson had clear and present signs of gunshot residue (GSR) on his face, in his hair, and on his right hand and arm area. A Crime Scene Officer was requested to make the scene to document the GSR.

Around 6:00 p.m., Sergeant Joe Stark observed Mr. Jefferson on a video surveillance monitor take his shirt off and begin wiping himself with water. Sergeant Stark notified Lieutenant Dickerson and Sergeant Kelly. Lieutenant Dickerson watched as Mr. Jefferson, who was shirtless, turned his shirt inside out and put it back on. Sergeant Kelly entered the interview room and observed Mr. Jefferson's shirt and face covered in water. He also noticed water on the interview table and chalkboard. Sergeant Kelly advised it appeared Mr. Jefferson had poured a cup of water on himself and was wiping his body down with his shirt in an effort to remove gunshot residue from his person. Sergeant Kelly proceeded to dry the interview table with paper towels. According to Sergeant Kelly's interview notes, Mr. Jefferson then began licking his arms and hands and wiping his face and hands with spit. As a result, Sergeant Kelly handcuffed Mr. Jefferson to prevent further destruction of evidence.

At approximately 6:25 p.m., Crime Scene Officer J. R. Rector arrived. Officer Rector entered the interview room with Sergeants Kelly and Smith. He observed Mr. Jefferson seated against the wall with his hands cuffed behind his back and one leg shackled to the bench. According to Officer Rector, Mr. Jefferson did not appear to have any physical injuries at that time. His clothing appeared average and in no way torn, dirty, or wet. When asked about the environment inside the room, Officer Rector advised he did not observe any water present. The carpet, walls, and table all appeared to be dry.

Officer Rector advised he was in the interview room for approximately twenty minutes. Sergeants Kelly and Smith were present during that time. He took several photographs of Mr. Jefferson with the lights on and several with the lights off. Officer Rector explained that in order for GSR to become evident in photographs, an ALS must be used and it is imperative that the suspect remain completely still. If the suspect moves, the picture will blur. Officer Rector attempted to take several more photographs of Mr. Jefferson while he was seated. During the photographs, Sergeant Smith held the ALS and Sergeant Kelly stood nearby observing. Officer Rector noticed that the photographs were blurred and it was evident that Mr. Jefferson was moving. Sergeant Kelly asked Mr. Jefferson to lie on the ground and he complied. Sergeant Kelly then attempted to hold Mr. Jefferson's head still. Sergeant Kelly placed a balled-up fist on either side of Mr. Jefferson's head to prevent it from moving back and forth. Officer Rector proceeded to take several more photographs, all of which were blurred by Mr. Jefferson's movement. According to Officer Rector, Sergeant Kelly did not use any force against Mr. Jefferson during this process and Mr. Jefferson did not complain about mistreatment from Sergeant Kelly.

According to Sergeant Kelly, Mr. Jefferson advised he could not sit still during the ALS photographs because he was nervous. He asked Mr. Jefferson if it would alleviate his nervousness if he lay down on the floor. Mr. Jefferson said he would do anything Sergeant Kelly told him to do and voluntarily got onto the floor. While on the floor, Mr. Jefferson continued to move his head as photographs were being taken. Sergeant Kelly then got onto the floor. He placed his hands on either side of Mr. Jefferson's head in an attempt to prevent Mr. Jefferson from moving from side to side. He did not use his hands to grasp, grab, or squeeze Mr. Jefferson's head or hair.

Sergeant Smith was in the interview room with Mr. Jefferson on multiple occasions and held the ALS as Officer Rector was taking photographs. Sergeant Smith advised no force was used against Mr. Jefferson in his presence. He did observe Sergeant Kelly assist Mr. Jefferson to the floor after he refused to sit still during photographs. Sergeant Kelly placed his hands to either side of Mr. Jefferson's head in order to keep it still. Sergeant Kelly did not grab Mr. Jefferson's head or strike it against the floor or wall. At some point during his detention, Mr. Jefferson did state, "You do not have to grab me like that." However, Sergeant Smith could not recall what action the comment was made in reference to. He believed it may have been in reference to being handcuffed, but could not say so definitively.

Lieutenant Dickerson was watching the surveillance monitor as Crime Scene Officer Rector photographed Mr. Jefferson using the ALS. During that time, the lights were turned off and on several times. Lieutenant Dickerson did not see Sergeant Kelly use force against Mr. Jefferson, pour water on him, or pull his hair. Likewise, he did not hear noises that indicated there was a disturbance inside the room. While in the Homicide Bureau, Mr. Jefferson did not verbalize a complaint against investigators.

The sixth issue related to this investigation centers upon the actions of Sergeant Eric Kelly at 201 Poplar Avenue and whether his actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR 301 Excessive/Unnecessary Force**, which states:

Excessive/Unnecessary Force is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

While this policy defines excessive/unnecessary force, it does not offer a method to determine whether or not the force used against Mr. Jefferson during his detention was reasonable. Therefore, the Memphis Police Department's use of force policies must be

applied (Memphis Police Department Policies and Procedures Manual, Chapter 2, Section 8, Response to Resistance, pages 1-11). These policies are based upon the landmark U.S. Supreme Court case that defines reasonable use of force by police officers in the line of duty, *Graham v. Connor (US 1989)*.

The ruling in *Graham V. Connor* holds that all claims that law enforcement officials had used excessive force -deadly or not- in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen, are properly analyzed under the Fourth Amendment's "objective reasonableness" standard. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the "20/20 vision of hindsight." The test of reasonableness is not capable of precise definition or mechanical application. Its proper application requires careful attention to the facts and circumstances of each particular case, including:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of the officers or others; and
3. Whether he/she is actively resisting arrest or attempting to evade arrest by flight.

This "objective reasonableness" standard was applied during the investigation of the complaint of the use of Excessive/Unnecessary Force by Sergeant Eric Kelly at 201 Poplar. The three standards applied in *Graham v. Connor* were used to determine the reasonableness of the use of force applied by Sergeant Kelly and revealed the following:

1. The crimes at issue in this investigation were Criminal Attempt Felony to wit: First Degree Murder, Employment of a Firearm During the Commission of a Dangerous Felony, and Convicted Felon in Possession of a Weapon, all felonies in the State of Tennessee.
2. Mr. Daniel Jefferson did not pose an immediate threat to the safety of officers or others. His hands were cuffed behind his back and/or his leg was shackled to a detention bench throughout his contact with officers.
3. Mr. Jefferson did not actively resist officers or attempt to evade arrest by flight.

With these standards applied, the facts of the investigation revealed that Mr. Jefferson's actions were insufficient to place officers in reasonable fear of bodily harm. While inside the Homicide Interview Room, Mr. Jefferson posed no viable threat to Sergeant Kelly. For this reason, any physical force used by Sergeant Kelly against Mr. Jefferson would therefore be unnecessary and performed for punitive purposes only.

Although Mr. Jefferson alleged that Sergeant Kelly threw water in his face and poured water over his head prior to the Crime Scene Officer photographing him, the investigation failed to reveal evidence that supported that allegation. Sergeant Kelly was only alone with Mr. Jefferson for a few brief periods of time, all of which were clearly

visible to Lieutenant Dickerson over the surveillance monitor. Lieutenant Dickerson stated he never observed Sergeant Kelly throw or pour water on Mr. Jefferson. Likewise, no one else in the Homicide Bureau witnessed the event even though Mr. Jefferson stated Officer Rector entered the interview room as Sergeant Kelly was pouring water on him. On the contrary, Lieutenant Dickerson and Sergeant Stark both witnessed Mr. Jefferson wiping himself with water after he was informed GSR photographs would be taken. Investigators believed Mr. Jefferson was attempting to destroy evidence of his crime. Once notified, Sergeant Kelly immediately handcuffed Mr. Jefferson to prevent further destruction of evidence. Thus, it seems unlikely that Sergeant Kelly would have thrown water on Mr. Jefferson if he intended to preserve the GSR evidence. In doing so, he would have been destroying evidence pertinent to the investigation. When combined with the statement of Officer Rector that Mr. Jefferson did not appear to be wet when he arrived in the Homicide Bureau, the preponderance of the evidence was unable to prove that Sergeant Kelly threw water at or poured water on Mr. Jefferson.

Mr. Jefferson further alleged that Sergeant Kelly slammed his head against the wall three times and pulled his braids up from the root. At that time, Sergeant Kelly, Sergeant Smith, and Officer Rector were in the interview room and Lieutenant Dickerson was monitoring the surveillance camera. Sergeant Smith and Officer Rector advised they did not see or hear anything that led them to believe Sergeant Kelly was using force against Mr. Jefferson during that time. Similarly, Lieutenant Dickerson did not see or hear anything over the surveillance monitor that supported the allegation. Therefore, the preponderance of the evidence was unable to prove that Sergeant Kelly was in violation of the Memphis Police Department's **DR 301 Excessive/Unnecessary Force**.

When ISB Investigators met with Mr. Jefferson to have his statement signed, Mr. Jefferson made an additional allegation that he had an encounter with Officer Rowsey inside the Sally Port at 201 Poplar. He advised that when he was processed for DNA, Officer Rowsey entered the Sally Port with a prisoner. According to Mr. Jefferson, Officer Rowsey made a statement about striking him at the precinct and said he would do so again if he saw him on the street. ISB Investigators looked into this allegation but were unable to confirm it. While Officer Rowsey did transport a prisoner to 201 Poplar on the date in question, it was determined that Mr. Jefferson was not taken for DNA processing on that date. Furthermore, ISB Investigators reviewed surveillance footage from the Sally Port and did not see any evidence of the encounter. Therefore, ISB Investigators did not re-interview Officer Rowsey concerning the allegation or take an additional statement from Mr. Jefferson.

VIII) Conclusion

Based on the facts of the case, the preponderance of evidence was unable to prove or disprove that **Officer Nicholas Gordon IBM#12642** was in violation of the stated allegation, **DR-301 Excessive/Unnecessary Force**, against Mr. Daniel Jefferson. Therefore, the allegation is **NOT SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved **Officer David Rowsey IBM#11435** was in violation of the stated allegation, **DR-104 Personal Conduct**. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved that **Officer David Rowsey IBM#11435** was in violation of the stated allegation, **DR-108 Truthfulness**. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved that **Officer David Rowsey IBM#11435** was in violation of the stated allegation, **DR-301 Excessive/Unnecessary Force**, against Mr. Daniel Jefferson. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved **Officer Jeremy Mackey IBM#11313** was in violation of the stated allegation, **DR-104 Personal Conduct**. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved that **Officer Jeremy Mackey IBM#11313** was in violation of the stated allegation, **DR-108 Truthfulness**. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved that **Officer Jeremy Mackey IBM#11313** was in violation of the stated allegation, **DR-301 Excessive/Unnecessary Force**, against Mr. Daniel Jefferson. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved that **Officer Armond Fairley IBM#12629** was in violation of the stated allegation, **DR-104 Personal Conduct**. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved that **Officer Armond Fairley IBM#12629** was in violation of the stated allegation, **DR-108 Truthfulness**. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved that **Officer Armond Fairley IBM#12629** was in violation of the stated allegation, **DR-301 Excessive/Unnecessary Force**, against Mr. Daniel Jefferson. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence proved **Lieutenant Byron Hardaway IBM 3286** was in violation of the stated allegation, **DR 120 NEGLECT OF DUTY**. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence was unable to prove or disprove that **Sergeant Eric Kelly IBM#4679** was in violation of the stated allegation, **DR-301 Excessive/Unnecessary Force**, against Mr. Daniel Jefferson. Therefore, the allegation is **NOT SUSTAINED**.