

DIVISION OF POLICE SERVICES

May 4, 2017

Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue HR-RM L42 Memphis, Tennessee 38111

Mrs. Wilson:

During the board meetings of the Civilian Law Enforcement Review Board (CLERB) from November 17, 2016-March 9, 2017, the board voted to sustain the following cases. Please find attached letters of response for each case listed below:

Mr. Reginald Johnson
 Mr. Paul Garner
 Ms. Claudette Taylor
 Mr. James Bolden
 ISB File # I2016-003
 ISB File # I2012-090
 ISB File # I080-11

Please be advised that the original four (4) letters of responses will be delivered to you via hand-delivery. If you have any questions regarding this matter, please feel free to contact me.

Sincerely

Michael W. Rallings, Director Memphis Police Department

Cc: Zayid A. Saleem, MPD Legal Advisor

Total # of attachments including cover-11

201 Poplar Avenue, Room 12-05, Memphis, Tennessee 38103



DIVISION OF POLICE SERVICES

May 4, 2017

Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue HR-RM L42 Memphis, Tennessee 38111

Re: ISB FILE # I 2016-003

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's finding regarding the above-referenced Inspectional Services Bureau ("ISB") investigation. The investigation was conducted as a result of a complaint filed by Mr. Reginald Johnson, Sr. regarding an incident that occurred on February 8, 2016.

The Board unanimously voted to sustain Mr. Johnson's complaint against the officers of the Memphis Police Department. Specifically, the Board recommended that the involved officers be reprimanded for their behavior during the incident, that the department holds sensitivity training and provides training regarding warrantless entries to residences.

Having reviewed both the Board's findings and the ISB file, I am not inclined to take any additional action in regards to the Board's recommendations for the following reasons:

- On February 8, 2016 at 10:54 PM, Mr. Reginald Johnson, Sr. called the Memphis Police Department to report a shooting victim in the front of his home at 4102 Knob.
- Officers M. Morton, A. Hammond and A. Giannini were the first to arrive on the scene.
- The officers began their preliminary investigation into the shooting by questioning the shooting victim outside the residence.
- Mr. Johnson interfered with the preliminary investigation when he encouraged the shooting victim to enter into his residence and no longer cooperate with the responding officers.

- When Mr. Johnson encouraged the shooting victim to make entry into his home and cease cooperating with the investigation officers, exigent circumstances did exist for the investigating officers to make entry into the home to continue gathering facts about the shooting and to ensure medical care was rendered to the victim.
- Mr. Johnson directly interfered with an active shooting investigation by the officers who responded to his call for police services.
- Additionally, Mr. Johnson's actions also potentially put the shooting victim and the responding officers in jeopardy due to the fact that, at that time, the officers were making an effort to identify the possible shooter and ascertain the exact location of the shooting.
- After officers entered the residence, Mr. Johnson attempted to assault the officers who were lawfully inside the residence; and force was used to subdue Mr. Johnson, who was then placed under arrest for Assault, Disorderly Conduct and Resisting Official Detention.

This incident was the result of the actions of Mr. Reginald Johnson, Sr. He directly interfered with an official investigation of a shooting conducted by the officers dispatched to his residence. Such investigations are volatile and can place the victim, officers and others in jeopardy when information is not promptly gathered.

As to the Board's recommendation that sensitivity training be provided for the officers involved in this incident, such training is and will continue to be provided during the Department's yearly In-Service Training.

Based upon the above findings, I will take no additional action as to the Board's recommendations regarding the complaint of Mr. Reginald Johnson, Sr.

Sincerely.

Michael W. Rallings, Director Memphis Police Department

Zayid A. Saleem, Police Legal Advisor

cc:



DIVISION OF POLICE SERVICES

May 4, 2017



Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue HR-RM L42 Memphis, Tennessee 38111

Re: ISB FILE # I-2013-089

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's findings regarding the above-referenced Inspectional Services Bureau ("ISB") Investigation. The investigation was conducted as a result of a complaint filed by Mr. Paul Garner regarding an incident that occurred on December 11, 2011.

The Board considered live testimony from Mr. Garner, in addition to video evidence provided by Mr. Garner and the closed ISB file. The Board ultimately ruled that the involved officer(s) violated Policies and Procedures of the Memphis Police Department. The Board recommended that the Police Legal Advisor give officers' instructions on citizens' constitutional rights with regards to filming police officers. The Board also recommended that Mr. Garner's case be reviewed by Internal Affairs to adherence to several policies and procedures.

Having reviewed the ISB file, I must note that Mr. Garner declined to allow investigators an opportunity to review video he had in his possession. However, the Board has had the opportunity to examine the video. Therefore, I am requesting that the video evidence examined by the Board be provided to the Memphis Police Department for review. I will instruct the Inspectional Services Bureau to make the video a part of its case file and to make additional findings as warranted.

Upon the completion of the review, I will notify CLERB in writing of the actions I propose in response to their recommendations.

Sincerely,

Michael W. Rallings, Director Memphis Police Department



DIVISION OF POLICE SERVICES

May 4, 2017

Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue HR-RM L42 Memphis, Tennessee 38111

Re: ISB FILE # I2012-090

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's finding regarding the above referenced Inspectional Services Bureau Investigation ("ISB"). The investigation was conducted as a result of a complaint filed by Ms. Claudette Taylor regarding an incident that occurred on August 17, 2012.

The Board unanimously voted to sustain Ms. Taylor's complaint against the officers of the Memphis Police Department. Specifically, the Board concluded that the evidence presented by Ms. Taylor sustained that the police officers violated Policies and Procedures of the Memphis Police Department. The Board recommended that the involved officers attend sensitivity training, as well as further training on Policies and Procedures regarding "Necessary Force." The Board further recommended that the officers issue a letter of apology to Ms. Taylor.

Having reviewed both the Board's findings and the ISB file, I am not inclined to take any additional action in regards to the Board's recommendations based on the following findings:

- On August 17, 2012, officers were dispatched to a disturbance at Waldorf and McMillan Street. The disturbance required several officers to be dispatched into the area for crowd and traffic control.
- Officers made several arrests during their efforts to gain control of the scene and disperse the crowd which had gathered in the area.

- Several officers observed Ms. Taylor in the intersection of Waldorf and Miller cursing and yelling, creating a disturbance attempting to incite individuals in the area. Ms. Taylor's son may have been shot during the disturbance.
- Officers asked Ms. Taylor several times to cease attempting to create a disturbance and incite the crowd.
- Ms. Taylor disregarded the instructions from officers to stop creating a disturbance.
- When Ms. Taylor continued to disregard the officer's commands, Officer Parker approached Ms. Taylor and advised her to place her hands behind her back; and Ms. Taylor refused.
- Officer Parker then grabbed Ms. Taylor's arm, placed a handcuff on her when she yanked away and began to resist the lawful arrest.
- Two additional officers observed Ms. Taylor resisting with Officer Parker and came to render assistance to him and place Ms. Taylor in handcuffs.
- Ms. Taylor continued to resist; and as officers attempted to gain control, her momentum caused them all to fall into her yard.
- Civilian witness Mr. Johnnie Robinson observed Ms. Taylor struggling with three to four officers before they were able to take her to the ground.
- After placing handcuffs on Ms. Taylor and attempting to get her off the ground, it was discovered that Ms. Taylor suffered an injury to her left leg.
- Officers requested the Memphis Fire Department to the scene to render medical treatment.
- It was determined that Ms. Taylor suffered a six-inch laceration to her left leg as a result of an iron planter in the yard during her fall to the ground.
- Ms. Taylor was treated on the scene, transported to the Regional Medical Center for additional treatment and then transported to jail.
- Ms. Taylor was arrested for Disorderly Conduct and Resisting Arrest.

I do not concur with the Board's conclusion that officers violated Policies and Procedures of the Memphis Police Department during the arrest of Ms. Claudette Taylor. Ms. Taylor sustained injuries during the course of her lawful arrest. The injury Ms. Taylor suffered was not the result of any intentional or negligent act by any of the arresting officers. Ms. Taylor's injury was not the result of any force used by any of the arresting officers. I must conclude that the arresting officers used the minimal amount of force necessary to complete the arrest.

As to the Board's recommendation that sensitivity training be provided for the officers involved in this incident, such training is and will continue to be provided during the Department's yearly In-Service Training. Having concluded that the officers acted within policy during this incident, I will not issue an order requiring the arresting officers to

issue a letter of apology. I will in the coming days personally contact Ms. Taylor to discuss this matter with her.

Based upon the above findings, I will take no other action as to the Board's recommendations regarding the complaint of Ms. Claudette Taylor.

Sincerely, Pallup

Michael W. Rallings, Director Memphis Police Department



DIVISION OF POLICE SERVICES

May 4, 2017

ECO/P

Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue HR-RM L42 Memphis, Tennessee 38111

Re: ISB FILE # 10-80-11

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's finding regarding the above-referenced Inspectional Services Bureau ("ISB") investigation. The investigation was conducted as a result of a complaint filed by Mr. James Bolden regarding an incident that occurred on December 11, 2011.

The Board unanimously voted to sustain Mr. Bolden's complaint against the officers of the Memphis Police Department. Specifically, the Board concluded that the evidence presented by Mr. Bolden sustained that the police officers violated Policies and Procedures of the Memphis Police Department. The Board also recommended that the involved officers attend sensitivity training, as well as further training on the Policies and Procedures of the Memphis Police Department.

Having reviewed both the Board's findings and the ISB file, I am not inclined to take any additional action in regards to the Board's recommendations based on the following findings:

- On December 11, 2011, Officer B. Pfeil and J. Minor responded to an alarm call at 5300 Old Highway 78.
- Both officers encountered Mr. Bolden at the location of the alarm call securing a lock on a fence.
- Officers approached Mr. Bolden and asked him to place his hands on the patrol car to perform a pat down of Mr. Bolden.

- The intended purpose of the pat down was to ensure for officer safety purposes that Mr. Bolden was unarmed.
- As Officer Pfiel performed the necessary pat down, Mr. Bolden removed his hands from the vehicle and reached near his waist.
- Mr. Bolden acknowledges that he removed his hands from the vehicle during the pat down because the officer hurt his genital area; and he was attempting to reach near his genitals.
- Both officers interpreted Mr. Bolden's removal of his hands from the vehicle as pushing away from the vehicle as the pat down was being completed.
- When Mr. Bolden reached near his waist area, Officer Pfeil took Mr. Bolden to the ground; and officers wrestled with Mr. Bolden to place him in handcuffs and to complete the pat down and subsequent arrest.
- Mr. Bolden alleged that the arresting officers slammed him to the ground and kicked him twice in the left side before placing him in handcuffs.
- Both arresting officers deny kicking Mr. Bolden.
- The medical records provided indicate minor abrasions to Mr. Bolden's left knee, elbow and hand.
- The medical records do not indicate any injury to Mr. Bolden's left side.

The Memphis Police Department's Policies and Procedures do not prohibit pat downs of a subject's genital area. The purpose of such searches is to determine whether the individual is armed with a weapon. Such searches are purely for officer safety purposes. The mere fact that officers took Mr. Bolden to the ground to place him in handcuffs does not constitute excessive force. The abrasions noted in the investigative file are consistent with injuries that may occur when an uncooperative individual is on the concrete; and officers are attempting to place them in handcuffs. While Mr. Bolden alleged that officers kicked him on his left side, the investigative file does not support any findings that he sustained any injuries to his left side.

I do not concur with the Board's conclusion that the officers violated Policies and Procedures of the Memphis Police Department during the arrest of Mr. James Bolden. The mere fact that Mr. Bolden sustained injuries during the course of his arrest is not indicative that any policies or procedures were violated by the arresting officers. I must conclude that the arresting officers used the minimal amount of force necessary to complete the arrest and neither officer used excessive or unnecessary force. As to the Board's recommendation that sensitivity training be provided for the officers involved in this incident, such training is and will continue to be provided during the Department's yearly In-Service Training.

Based upon the above findings, I will take no additional action as to the Board's recommendations regarding the complaint of Mr. James Bolden.

Sincerely, William Ralling

Michael W. Rallings, Director Memphis Police Department



DIVISION OF POLICE SERVICES

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July 18, 2017

Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue HR-RM L42 Memphis, Tennessee 38111

> Re: Mr. Marcus Walker CLERB Case ISB FILE # 1037-11

Dear Mrs. Wilson:

I am in receipt of your June 13, 2017, correspondence regarding the above referenced matter. The letter formally requested that I make available the officers who were involved in the above investigation.

As you are aware, sec. 28-154 of the CLERB Ordinance sets forth the process of obtaining live testimony from officers. The ordinance states in pertinent part:

Sec. 28-154. Purpose, powers and duties.

In order to carry out its functions, the board is authorized to request through its Council liaison, a subpoena to effectuate an investigation or compel attendance by an officer or witness for a hearing before the Memphis City Council, pursuant to procedures approved by the Memphis City Council.

(Code 1985, § 28-154; Ord. No. 4285, § 1, 10-25-1994)

Consequently, I don't think it is prudent for me to circumvent the process and procedures outlined in the CLERB Ordinance and request or order any officer to appear for live testimony. However, the Internal Affairs file which contains statements from the officers

and witnesses is available to the Board for consideration. Consequently, I will not request the appearance of any officer before the Board.

Sincerely,

Michael W. Rallings, Director

Marrahia Balia B

Memphis Police Department

Bruce McMullen, City Attorney cc:





DIVISION OF POLICE SERVICES

February 20, 2019

Mrs. Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue, HR-RM L42 Memphis, Tennessee 38111

Re:

Shirley/Sharrita Warr ISB FILE # 12016-057

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's findings regarding the above-referenced Inspectional Services Bureau ("ISB") investigation. The investigation was conducted as the result of a complaint filed by Sharrita Warr regarding an incident that occurred on September 22, 2016.

The Board voted to sustain Ms. Warr's complaint against Officer Enis Jackson of the Memphis Police Department. Specifically, the Board concluded the behavior of Officer Jackson was in violation of the Excessive Force policy and recommended that he be required to submit to anger management training.

Having reviewed both the Board's findings and the ISB file, which included body camera footage of the incident, I am not inclined to take any additional action in regards to the Board's recommendations.

It must first be noted that the officers who made the scene at 2329 Staten Street were lawfully present at the location investigating the circumstances of a traffic stop. The scene was chaotic partly because the subjects on the scene, including Ms. Warr, were not cooperative nor compliant with the scene officers. Due to her involvement in the incident, the officers had a lawful basis to verify her identity and/or age. The Board concluded the officers did not use reasonable alternatives to verify Ms. Warr's identity. However, multiple officers asked Ms. Warr her age while on the scene; and each time as she stood near her father, she told officers she was ten years old. (i) Ms. Warr was not truthful about her age, which then prompted Officer Jackson to approach her and request her identification.

Ms. Warr's complaint arises from her interactions with Officer Jackson. The Board concluded that there were no exigent circumstances that necessitated the restraint of Ms. Warr because she posed no threat to Officer Jackson. It must be noted though, that the existence of exigent circumstances is not the sole basis for an officer to initiate physical contact with an individual. A review of the relevant footage shows Ms. Warr was defiant, evasive and non-compliant towards Officer Jackson as he approached her and requested her identification. It is apparent that at the time Officer Jackson physically grabbed Ms. Warr, he did so to control her and control the scene. Officer Jackson's actions were within policy as he did so.

At issue is whether Officer Jackson used excessive force when he made the decision to detain Ms. Warr. The body camera from another officer fully captures the event. Based upon my review, I simply cannot conclude that Officer Jackson used excessive force on Ms. Warr as he placed her in custody. Officer Jackson stood to the side of Ms. Warr as he placed his right arm on her right shoulder/neck area and his left hand under her left upper arm. As Ms. Warr continued to be non-complaint, Officer Jackson released her left arm, placing it across her upper chest and neck, while he simultaneously removed his right arm from her shoulder in an effort to grab her right arm to place her in custody. Ms. Warr remained non-complaint, which resulted in Officer Jackson physically lifting and carrying her to his patrol vehicle. Officer Jackson then placed Ms. Warr back on the ground and released her from any physical restraint as he placed her in the rear of the vehicle.

While the video depicts Officer Jackson's arm around the neck of Ms. Warr, it is apparent to me that he did not apply pressure to her neck; and he did not restrict her ability to breath. I reach this conclusion by noting that Ms. Warr continued to yell and scream continuously as he walked her to the vehicle and placed her in custody.

The Memphis Police Department's Policies and Procedures mandate that 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. I do not concur with the Board's conclusion that Officer Jackson used extreme force while placing Ms. Warr in custody. In this case, Ms. Warr was uncooperative and noncompliant. Officer Jackson used the minimal amount of force necessary to take Ms. Warr into custody: and he did not use excessive or unnecessary force upon her.

Based upon the above findings, I will take no additional action as to the Board's recommendations regarding the complaint of Mr. Sharrita Warr.

Sincerely,

Michael W. Rallings, Director

Memphis Police Department

cc: Zayid A. Saleem, Police Legal Advisor

(i) At the time of the incident, Ms. Warr was fifteen years old.



DIVISION OF POLICE SERVICES

October 30, 2017

Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue HR-RM L42 Memphis, Tennessee 38111

Re: ISB FILE # 10-80-11

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's addendum to their findings and recommendations regarding the complaint filed by Mr. James Bolden regarding an incident that occurred on December 11, 2011.

The Board previously voted to sustain Mr. Bolden's complaint against the officers involved in his arrest. The Board's addendum sets forth additional factors in support of their recommendation that the involved officers attend sensitivity training, and further training on the Policies and Procedures of the Memphis Police Department.

Despite the conclusions reached by the Board in their addendum, I stand by the findings I previously submitted to the Board in my letter dated May 4, 2017. As to the Board's recommendation that sensitivity training be provided for the officers involved in this incident, such training is and will continue to be provided to officers during the Department's yearly In-Service Training. As such, I will take no other action as to the Board's recommendations regarding the complaint of Mr. James Bolden.

Sincerely,

Michael W. Rallings, Director Memphis Police Department



DIVISION OF POLICE SERVICES

January 18, 2018

Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue HR-RM L42 Memphis, Tennessee 38111

Re: ISB FILE # I 2016-003

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's addendum to their findings and recommendations regarding the complaint filed by Mr. Reginald Johnson, Sr. regarding an incident that occurred on February 8, 2016. The Board unanimously voted to sustain Mr. Johnson's complaint against the officers of the Memphis Police Department. The Board recommended corrective action and additional training regarding warrantless entries to private homes and the use of excessive force.

The Board references a video recording which depicts the victim making entry into the residence; and immediately thereafter, the responding officers enter into the home. Unfortunately, the video does not include audio. The Board has indicated the officers' statements are inconsistent with what appears on the video. Despite the conclusions reached by the Board in their addendum, I stand by the findings I previously submitted to the Board for the following reasons:

- · The officers began their preliminary investigation into the shooting by questioning the shooting victim outside the residence.
- · Mr. Johnson interfered with the preliminary investigation when he encouraged the shooting victim to enter into his residence and no longer cooperate with the responding officers.
- · When Mr. Johnson encouraged the shooting victim to make entry into his home and cease cooperating with the investigation officers, exigent circumstances did exist for the investigating officers to make entry into the home to continue

gathering facts about the shooting and to ensure medical care was rendered to the victim.

- · Mr. Johnson directly interfered with an active shooting investigation by the officers who responded to his call for police services.
- · Additionally, Mr. Johnson's actions also potentially put the shooting victim and the responding officers in jeopardy due to the fact that at that time, the officers were making an effort to identify the possible shooter and ascertain the exact location of the shooting.
- · After officers entered the residence, Mr. Johnson attempted to assault the officers who were lawfully inside the residence; and force was used to subdue Mr. Johnson, who was then placed under arrest for Assault, Disorderly Conduct and Resisting Official Detention.
- \cdot The shooting victim exited the residence after officers engaged Mr. Johnson inside the residence.

This incident was the result of the actions of Mr. Reginald Johnson, Sr. He directly interfered with an official investigation of a shooting conducted by the officers dispatched to his residence.

As to the Board's recommendation that additional training on warrantless entries and the use of force be provided to officers, such training is and will continue to be provided during the Department's yearly In-Service Training. These specific areas of training are critically important; and I am committed to ensuring that all sworn officers are properly trained to operate within the law and the policies and procedures of the Memphis Police Department.

Based upon the above findings, I will take no additional action as to the Board's recommendations regarding the complaint of Mr. Reginald Johnson, Sr.

Sincerely,

Michael W. Rallings, Director Memphis Police Department



DIVISION OF POLICE SERVICES

October 30, 2017

Virginia Wilson Civilian Law Enforcement Review Board 3030 Poplar Avenue HR-RM L42 Memphis, Tennessee 38111

Re: ISB FILE # I2012-090

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's addendum to their findings and recommendations regarding the complaint filed by Ms. Claudette Taylor regarding an incident that occurred on August 17, 2012.

The Board previously voted to sustain Ms. Taylor's complaint against the officers of the Memphis Police Department. The Board's addendum sets forth additional factors in support of their recommendation that the involved officers attend sensitivity training, training on "Necessary Force", and that the involved officers issue a letter of apology to Ms. Taylor.

Despite the conclusions made by the Board in their addendum. I stand by the findings I previously submitted to the Board in my letter dated May 4. 2017. Ms. Taylor sustained injury during the course of her lawful arrest. The injury Ms. Taylor suffered was not the result of any intentional or negligent act by any of the arresting officers. Ms. Taylor's injury was not the result of any force used by any of the arresting officers. In fact, the arresting officers used the minimal amount of force necessary to complete the arrest.

As to the Board's recommendation that sensitivity training be provided for the officers involved in this incident, such training is and will continue to be provided during the Department's yearly In-Service Training. A letter of apology shall not be ordered because the officers acted within

policy during their encounter with Ms. Taylor. As such. I will take no other action as to the Board's recommendations regarding the complaint of Ms. Claudette Taylor.

Sincerely, W. Palling

Michael W. Rallings, Director Memphis Police Department