



JIM STRICKLAND
MAYOR

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 # 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 Pfeil 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,

A handwritten signature in black ink that reads "Michael W. Rallings". The signature is written in a cursive style with a large, stylized initial "M".

Michael W. Rallings, Director
Memphis Police Department

cc: Zayid A. Saleem, Police Legal Advisor