

Minutes
February 8, 2018
Civilian Law Enforcement Review Board
City of Memphis

Call to Order

The meeting of the Civilian Law Enforcement Review Board was formally called to order by Chairman White at 4:09 p.m.

Board Members Present:

Ralph White, Chair	CM Philip Spinosa
Casey Bryant	David Acey
Dwan Gilliom	Alfredo Pena
Sandeep Pednekar	John Marek
Ricky Floyd	Nicholas Bragorgos
June Chinn-Jointer	Hazel Moore*

(*new board member)

Board Members Absent:

Marie Finney
Floridia Jackson

Approval of Agenda and Minutes:

A motion was made by Nicholas Bragorgos and seconded by Philip Spinosa to accept the October 2017, November 2017 and January 2018 minutes, with one correction to the January minutes of changing the year from 2017 to 2018.

Items of Discussion

Old Business

- a) Chairman White welcomed new board member, Hazel Moore. Ms. Moore, affectionately called the mayor of Whitehaven, stated she is happy to serve on the board with a group of great people. Virginia Wilson, Board Administrator, stated she emailed board members the minutes and advised if anyone did not receive their copy to please alert her. Chairman White reminded the board of his three ideal membership resolutions: commitment, commitment, commitment.

- b) John Marek updated the board on the latest letter to Police Director Michael Rallings regarding Likisha Clark. Mr. Marek explained to the board, new board members in particular, that the board's first round of letters sent to Director Rallings were not really written in a legal format, and didn't include a thorough "fact" section. The board decided to edit those first letters to include that information, and agreed going forward that different members of the board would continue to assist with writing the letters to Director Rallings. Marek further stated that the letters should be detailed and factual. The board will make necessary edits, and review the minutes from previous meetings. Chairman White suggested the letters be reviewed within the next week so they can be sent to the Director.

- c) Chairman White explained the history of sending the letters with Councilman Philip Spinosa who was recently appointed to the board. Chairman White emphasized the importance of sending detailed letters and expressed his wish that Police Director Rallings would take the board's letters more seriously.

- d) Mr. Marek stated that, upon his review of the city ordinance, the board should not be limited by Internal Affairs' decisions, and suggested the board should be able to make its own recommendations. Per the last meeting, the board discussed if the board could go outside the scope of the charge from Internal Affairs. Mr. Marek welcomed other members of the board to do the research and provide feedback. Mr. Marek acknowledged that he could be wrong in his interpretation of the ordinance, but said that his interpretation was based on ordinance section 28.154, "Powers and Duties."

- e) Mr. Marek also asked about the board's semi-annual report that is reviewed by City Council, and Chairman White stated that Ms. Wilson is handling that already. Ms. Wilson stated that the report will be available at the next meeting.

- f) Chairman White stated that the board should make sure it stays within the scope of its responsibilities. Investigator Arthur Robinson offered to send board members an electronic copy of MPD's Policies and Procedures to any board member who did not have a copy.
- g) Chairman White suggested to the board that he (Chairman White) would like to recommend for approval by the board that Casey Bryant become the board's co-chair. Mr. Spinosa moved to approve and the motion was seconded by Mr. Marek. The motion carried unanimously.

New Business

- h) Chairman White brought forth Mr. William Perkins case # I2017-005. Mr. Perkins was sworn in. Mr. Perkins stated that on February 23, 2017, he (Perkins) got into an altercation with Officer Willard on his way home after being told he was walking too slowly. He (Perkins) further stated that he woke up in the police car.
- i) After being asked by several board members, Mr. Perkins mentioned that he was pushed once, and rather than wait to be pushed again, he pushed the officer. Mr. Perkins stated that he sustained head injuries after being subdued by the officer.
- j) Mr. Perkins says he was taken to the hospital about 30 minutes later for injuries and was then transported to jail. The hospital records indicate that he left of his own free will, which Mr. Perkins denies.
- k) Dwan Gilliom asked Mr. Perkins about his past dealings with Officer Sills, an officer on the scene. Mr. Perkins mentioned that they had had an argument previously, but that he has no current grievance against Officer Sills. Mr. Gilliom asked if Mr. Perkins had been arrested before, and he (Perkins) replied that he had been arrested 2-3 times for disorderly conduct.
- l) Mr. Marek mentioned that the officer in question did not turn on his body camera. He (Marek) asked if the other two officers had theirs (body cameras) on, which they allegedly

did. CLERB Investigator Arthur Robinson said he requested the body cam footage, but MPD is still searching for it.

- m) Chairman White suggested that Mr. Robinson get the footage from the body cameras to the board so that the question of who pushed first, and if Mr. Perkins used profanity, would be answered instead of the board speculating. He (White) also suggested to Mr. Perkins to be mindful that profanity and other inciting behavior has the potential to escalate a situation.
- n) After much discussion, Chairman White suggested that Mr. Robinson investigate exactly what Mr. Perkins is being charged with, which charges were dropped, and why. Chairman White further stated that since the courts are still handling it (Perkins' case) then the board did not need to spin its wheels speculating. He advised Mr. Perkins to attempt to avoid potential altercations and thanked him for coming, suggesting he see them again if any issues arise. He also advised Mr. Perkins that Mr. Robinson would be getting with him if his case is something they can pursue.

Senior Assistant City Attorney Mary Grambergs stated that, per section 28-159(e), citizens' complaints which allege criminal misconduct on the part of an officer shall not be heard by the board. These cases shall be referred to the Memphis Police Department for appropriate disposition. If potential criminal conduct is determined during an investigation, the case will be referred to the Memphis Police Department or the attorney general for appropriate disposition. Mr. Marek and Chairman White agreed.

- o) Mr. Spinosa asked Chairman White if they needed to change anything in the ordinance. Senior Assistant City Attorney Grambergs stated there were things that could be cleared up, but the board may not want to push opening the ordinance. Chairman White suggested they need a little more strength. Mr. Spinosa agreed cleaning up the language is a simple request he'd be happy to help with.
- p) Mr. Acey asked for a lengthy discussion regarding if the board had subpoena power and what the board should do if an officer pled the Fifth Amendment, etc. He also expressed advising complainants of their complaints being public record *via* recording of the board meetings if they plan to sue the city, in which case the board cannot hear the case. Chairman White said they would revisit these concerns so that everyone would be aware of the language.

- q) Mr. Pednekar asked where they were on the requirement of an officer having the body cam on when they are dealing with people. Mr. Marek said they are required to have the body cam all the time. Mr. Pednekar asked why some of them don't have the cameras on and why the board continues to accept a written reprimand as punishment. Chairman White agreed and suggested at some point the board ask City Council or the Mayor about some changes regarding that issue. He suggested that in the current case, they would wait for the evidence.
- r) Mr. Gilliom suggested that in the future the board get camera footage before hearing a case to prevent complainants from having to make two trips. Chairman White agreed and asked to wait for Mr. Robinson and his report, then get with Ms. Wilson to ensure the board has all it needs to hear the case.
- s) Mr. Robinson mentioned Officer Brownlee oversees body cam footage release and Chairman White emphasized Director Rallings being aware that they need footage to process cases.
- t) Ms. Wilson and Mr. Spinosa discussed the renovation of the Council committee room on the 5th floor of City Hall. Mr. Spinosa offered the Council Chambers for the next meetings. Chairman White mentioned that the board wants to be more visible to the community so that citizens are aware that there is a review board. Ms. Wilson will check on venues for future meetings and will advise the board.
- u) Ms. Bryant identified the letter she was responsible for as the one with Sharita Ware. She stated that she would have this available at the next meeting.
- v) Mr. Gilliom mentioned that the last couple of months the board has had only one case, and asked if there was a reason for that. Ms. Wilson stated that they are now caught up and didn't have many cases pending. Mr. Robinson mentioned that most of the hold-up is due to getting medical records and body camera footage and advised that there are two pending cases. Chairman White said the next meeting may have one case because the board will try to get a representative from the police department to give a presentation. He asked the board if they had neighborhood meeting suggestions to communicate those to Ms. Wilson.

Adjournment

Mr. Pena moved to adjourn the meeting with Mr. Marek giving a second. Chairman White adjourned the meeting at 5:23p.m.