

Minutes for January 11, 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 4:21p.m.

Board Members Present:

Ralph White, Chair

CM Philip Spinosa*

Casey Bryant

David Acey

Dwan Gilliom

Floridia Jackson

Marie Finney

John Marek

Ricky Floyd*

Nicholas Bragorgos*

(*new board member)

Board Members Absent:

Alfredo Pena

June Chinn-Jointer

Sandeep Pednekar

Approval of Agenda and Minutes:

Chairman White requested the minutes, along with November and December minutes, be sent to the next meeting.

Items of Discussion

Old Business

a) Chairman Ralph White greeted the board and began by watching a video for a complainant.

- b) Chairman White introduced and welcomed new board members: Councilman Spinosa, new chair of the City Council Public Safety and Homeland Security Committee; Ricky Floyd, and Nick Bragorgos. Chairman White reminded the board of the three ideal board membership resolutions: commitment, commitment, commitment. Ms. Wilson will get the agenda to the new members.
- c) Chairman White asked about updated letters to Memphis Police Director Rallings. Ms. Wilson stated that in her absence from previous meetings, she wanted to make sure the letters were handled. John Marek stated that the letter had been drafted after an edit by Casey Bryant.
- d) Chairman White let the new members know that these letters are in response to previous requests to Director Rallings for more extensive training for officers, which was denied.
- e) Ms. Wilson agreed to get with Mr. Marek to recirculate the letter so that the new board members could have a chance to review and make edits. Mr. Marek said his letter was in regard to Ms. Likisha Clark and that he would double-check. He also said there were two other letters, but he did not remember who was assigned to those or what that were regarding. Chairman White insisted the board take care of those letters as it has been three months already and suggested they decide on the letters at the next meeting.
- f) Chairman White expressed his displeasure at last year's lack of progress and wanted to reiterate that this year the board is progressing and helping people.

New Business

- g) Chairman White brought forth Maureen Spain as a witness. According to the report, on May 30, 2016, Ms. Spain and her two sons were involved in a protest at the Memphis Zoo and MPD said if they did not leave by 12:30 they would be arrested. Ms. Spain attempted to leave around that time when Officer Fields asked them to remain due to a Department of Child Services investigation. Ms. Spain refused, the officer grabbed her, there was a disturbance, and Ms. Spain was subdued and arrested.
- h) Ms. Spain clarified that she was not told that there was an active DCS investigation against her. She also said and that her allegation was never excessive force, even though MPD's letter denied the claim of excessive force on the officer. Ms. Spain also said no one in the protest group heard any officer tell her, before time, that she was not free to leave or risk

being arrested. Officer Fields attempted to arrest her, then said she was under DCS investigation. She was not aware of the investigation prior to her arrest. She was also concerned for her children to witness this altercation as not being safe for them.

- i) Dwan Gilliom asked Ms. Spain if anyone from DCS came out. Ms. Spain said they interviewed the children and cleared her that day. They also sent an investigator from a special victims unit, and after she explained the situation, the investigator did not think they should have called him. A DCS worker visited her house later and closed the investigation.
- j) Mr. Gilliom asked if she was arrested for trying to leave. Ms. Spain said yes, and she was concerned she could have been arrested for that or for not leaving either. She said the officer threatened to call DCS because her children were sitting outside barefoot in the sun and she did not respond to the threat.
- k) Mr. Bragorgos asked Ms. Spain to clarify if she understood that it was a police officer who told her that she was under investigation. She said she understood. Ms. Spain also said that she was grabbed for leaving before 12:30. When she asked why, after being grabbed, the officer said she was under active investigation.
- l) Mr. Gilliom asked Ms. Spain what her exact complaint was if not excessive force or being arrested. Ms. Spain said she was concerned that they didn't inform her that they were calling DCS and that because of this she could not leave. She also said she did not want to be arrested, which is why they were leaving before 12:30.
- m) Mr. Gilliom asked what Ms. Spain would like to see resolved. She said she would like the officers, including Officer Ursula Jones, to be disciplined for not having ethics or communicating properly. Chairman White clarified that to be communicated with about charges before being arrested would have been a better way to go.
- n) Chairman White asked for a motion to remain "as is" and not sustain the complaint. Mr. Gilliom asked for a motion to be exonerated. Mr. Marek asked to postpone a decision until the city clarifies if the board can interpret other police provisions. Ms. Spain mentioned that her charges were dropped except for criminal trespassing.

- o) Mr. Gilliom moved that the case be exonerated, as the alleged conduct likely occurred, but violated no law. It was seconded by Mr. Bragorgos. Gilliom, Jackson, Acey, Finney, Floyd, Bragorgos, and Chairman White voted to exonerate. Mr. Marek abstained. Ms. Bryant abstained. Mr. Spinoso could not vote but offered his apologies. The motion to exonerate passed.

- p) Chairman White thanked Ms. Spain for coming, mentioned that it is important to respect the badge and hope officers do the correct thing, and that the board is there to listen. He also thanked her for coming.

Adjournment

Chairman White adjourned the meeting at 5:14 pm.