

Minutes for March 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 at 4:13p.m. by Chairman Ralph White.

Board Members Present:

Ralph White, Chair

Marie Finney

Casey Bryant

Dwan Gilliom

Sandeep Pednekar

John Marek

Ricky Floyd

June Chinn-Jointer

Hazel Moore

Board Members Absent:

CM Philip Spinosa

Floridia Jackson

David Acey

Nicholas Bragorgos

Alfredo Pena

Approval of Agenda and Minutes:

A motion was made by June Chinn-Jointer and seconded by Dwan Gilliom to approve the February 2018 minutes.

Chairman White thanked the Board for attending the workshop that was conducted by Senior Assistant City Attorney Mary Grambergs. Chairman White commented that the workshop was very productive and Attorney Grambergs shared information that will be helpful to the board with future cases.

Items of Discussion

Old Business

- a) Chairman White introduced the case of Mr. William Perkins/ISB file # I2017-005 as old business. Complainant Perkins was sworn in by Chairman White. Chairman White stated in the last meeting (February 8, 2018) that it was suggested that Investigator Arthur Robinson get the footage from MPD's body cameras for the Board's review to help answer questions regarding the Perkins case.

- b) Investigator Robinson stated that he (Robinson) was not 100 percent sure that the camera footage of the Perkins case had been redacted, therefore, non-board members were asked to leave the room in the event the video footage was not redacted.

- c) After reviewing the footage from the Perkins case, Dwan Gilliom stated that it appeared that Mr. Perkins watched an active investigation as it took place, where there were at least six police cars present. Mr. Perkins may have remained at the scene of the investigation too long (approximately 40 seconds) and that he seemed to be resisting arrest.

- d) John Marek mentioned that it was important while watching the video footage for him (Marek) to determine who pushed first, the officer or Mr. Perkins. However, it was still not clear from watching the video footage, because an officer did not turn his camera on.

- e) Marek stated that it appeared that the officer did a one-handed push to Mr. Perkins, but it also appeared that Mr. Perkins was kind of bowing and approaching the officer and that the officer did the one-handed pushed to move Mr. Perkins back. In addition, the board might consider whether or not the officer was justified in pushing Mr. Perkins.

- f) Marie Finney asked Mr. Perkins' what was his intent for standing near the police. Mr. Perkins said he was responding to an officer that spoke to him earlier.

- g) After much discussion, there was a difference of opinion on if Mr. Perkins stopped on his way through the police presence. The board argued that at the previous meeting, Mr. Perkins said he did not stop to look at the police investigation. After reviewing the footage, it was clear that he did stop for around 40 seconds. Mr. Perkins said he may have paused. Mr. Gilliom suggested to Mr. Perkins that in the future it would be wise not to stop during an active investigation that is taking place.

- h) Mr. Marek disagreed, stating that if Mr. Perkins was not interfering with the investigation, the officers should not have been concerned; what matters is what happened prior. Mr. Marek stated that any time an officer's camera is turned off and it is not through a technical error, that's a concern and he (Marek) is voting against the officers. Marek further stated they (officers) should not be rewarded for turning off their cameras.
- i) Casey Bryant suggested that there be a community outreach of fostering trust between police and the community, creating better understanding between both groups. She also suggested that the board use this moment to heavily implore the police to turn on their cameras.
- j) Chairman White suggested the letter to Director Rallings include the board's recommendation that the officer's punishment for not having his camera on was not harsh enough. He apologized to Mr. Perkins for what happened to him and encouraged him (Perkins) not to linger around active investigations.
- k) Mr. Gilliom moved not to sustain the case of Mr. Perkins.
- l) Mr. Marek amended the motion to sustain the complaint for the body camera charge, but not sustain the complaint as to the excessive force charge, including a note that the officer should have been punished more harshly for the lack of body cam. Ms. Finney seconded the motion. Ms. Bryant, Ms. Chinn-Jointer, Mr. Gilliom, Ms. Finney, Mr. Floyd, Ms. Moore, and Chairman White voted yes.
- m) Mr. Marek voted no, stating he will vote no each time a police camera is not turned on. The motion carried.
- n) Chairman White stated he did not see a push of the officer during his observation of the video footage and reminded board members that he (White) must be objective.
- o) Marek stated that he was the only no vote but respects the opinion of the board.
- p) Gilliom stated it was a close call, and there was enough blame to go around. He further stated that the punishment was not enough, because the officer violated policy and received only a written reprimand.
- q) Chinn-Jointer stated the punishment should have been harsher.

- r) Hazel Moore stated that Director Rallings should make an announcement to all of the officers that their cameras should be on because the camera footage can make a difference in the decision by the board.
- s) Marek stated just to let everyone know that the board has existed for a while, but a good chunk of the time was spent developing the ordinance.
- t) Complainant Marcus Walker was present at the board meeting and inquired about his case that was presented to the board in 2017.

Chairman White stated the delay in bringing closure to Mr. Walker's case was not due to the board, but due to the administration.

New Business

- u) Ms. Wilson stated that the annual report was available and a copy would be distributed by Mr. Robinson to the board.
- v) Mr. Robinson explained various parts of the report. Mr. Robinson stated that the board was attempting to get the police officer to testify before the board. Chairman White suggested that the case of Mr. Walker be represented at the next meeting. He (Walker) agreed.
- w) Mr. Marek reiterated that the board attempts fairness and of all cases, five were sustained and eight were not sustained.
- x) Ms. Wilson mentioned that she is currently checking on locations outside of City Hall for future board meetings per the request of Chairman White and the board. She has been in contact with the community centers and has spoken to several representatives at various locations. She forwarded the CLERB calendar of dates and times to Whitehaven, Hickory Hill, Orange Mound and to LeMoyne-Owen College.
- y) Mr. Reginald Johnson (complainant) was recognized by Chairman White. Mr. Johnson stated he received a call from Deputy Director Mike Ryall who wanted to meet with Mr.

Johnson and the MPD attorney. Chairman White said he will attend and asked Mr. Johnson to please let him know when and where the meeting will take place.

- z) Mr. Gilliom clarified that this is to get Mr. Johnson's name off a "hazardous premises" list, which Ms. Chinn-Jointer confirmed.

Adjournment

Mr. Marek and Chairman White moved to adjourn the meeting with Ms. Moore giving a second. Chairman White adjourned the meeting at 5:41p.m.