



**Civilian Law Enforcement Review Board (CLERB)
City of Memphis**

Benjamin L. Hooks Central Library
3030 Poplar Ave. HR-RM L42, Memphis, TN 38111
(901) 576-6457

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Carlissa Shaw

August 18, 2017

Michael Rallings
Director, City of Memphis Police Department
201 Poplar Avenue
Memphis, TN 38103

***Re: ISB File #12012090
Claudette Taylor***

Dear Director Rawlings,

Please accept this ADDENDUM to our letter to you dated April 11, 2017.

First, the Civilian Law Enforcement Review Board (CLERB) confirms its prior decisions to sustain Ms. Taylor's complaint and recommendations that the officers involved undergo some type of sensitivity training, as well as disciplinary action, and a letter of apology to Ms. Taylor.

The police officers entered the yard of Ms. Claudette Taylor without probable cause after they had been dispatched to investigate and quell a fray a block away. Once the situation had come under control, the officers, on their return from the scene, shined a light into Ms. Taylor's face while she was in her own yard. There is nothing in the record to indicate the Ms. Taylor provoked the officers to come into her yard, although it seems obvious that the officers were displeased with Ms. Taylor's response to their demands for her to go inside.

The officers had completed the task for which they had been dispatched, but insisted that Ms. Taylor go inside of her house instead of enjoying the use of her own property. When she did not abide by their demands, the officers went onto her property to force her to go inside. In

and three officers took Ms. Taylor to the ground. When Ms. Taylor hit the ground, she suffered an extreme laceration on her leg.

The issue is whether the officers of the Memphis Police Department who were on Ms. Taylor's property that day exercised excessive force in effectuating the arrest of Ms. Taylor. This Board is not charged with determining whether the arrest itself was proper under the law. However, it is necessary to consider the circumstances leading up to the arrest to evaluate whether force was applied in excess or not.

We can glean from the testimony from Ms. Taylor, her friend who was with her at the time of her arrest, Tresha Boyland, and her neighbor, Renee Diggs, who was at her house next door at the time of Ms. Taylor's arrest, that there was no immediate peace-keeping reason for the officers to enter Ms. Taylor's yard and that her subsequent arrest was unwarranted. Therefore, the force applied in the effectuation of that arrest was in excess.

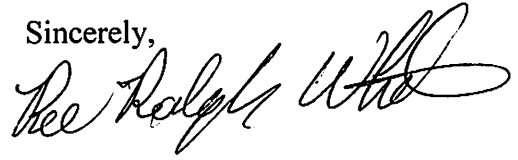
The situation was not chaotic or tense. In fact, whatever had occurred down the street that brought the officers to the neighborhood in the first place had been diffused. Thereafter, the officers came upon a homeowner and her friends enjoying a beer. They entered the yard and arrested her because they said she was inciting the neighborhood by talking loudly. Any resistance by Ms. Taylor would have been in surprise and protest of the situation. She was subsequently charged with resisting arrest, but with no other crime. Her crime, it would seem, is a consequence of the arrest, not the other way around.

In the opinion of this Board, regardless of whether the arrest was lawful, the three police officers that arrested Ms. Taylor should not have used such excessive force to do so. From the testimony, we note that Ms. Taylor was flanked by officers, lifted into the air and dropped to the ground. These actions were unnecessary given the immediate situation wherein Ms. Claudette Taylor was not accused of criminal conduct. The Board notes that the officers had just dispersed a crowd that had congregated around a fight in the neighborhood, but that event was separate from the one with Ms. Taylor.

This is not the professionalism that we expect from the Memphis Police Department and its officers. In light of our unanimous vote to sustain the charges waged against the Department, we reiterate our previous suggestion that the officers involved in the arrest of Ms. Taylor undergo some type of

sensitivity training, as well as disciplinary action, and a letter of apology to Ms. Taylor.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph White", written in a cursive style.

Ralph White, Board Chair

Civilian Law Enforcement

Review Board (CLERB)

CC: Claudette Taylor
Virginia Wilson, CLERB Administrator



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Michael Rallings
Director, City of Memphis Police Department
201 Poplar Avenue
Memphis, TN 38103

Re: ISB File # I 2016-0003
Reginald Johnson

Dear Director Rallings:

Please accept this ADDENDUM to our letter to you dated April 11, 2017.

First, the Civilian Law Enforcement Review Board (CLERB) confirms its prior decisions to sustain Mr. Johnson's complaint and recommendations for corrective action and additional training of your officers regarding warrantless entries to citizens' private homes and the use of excessive force when there are no exigent circumstances present.

Additional explanation and factual basis for CLERB's findings and recommendations.

As you know, there is a video of this incident and based on the Inspectional Services Bureau (ISB) file, the video was either not viewed, or if viewed, not discussed in the ISB findings.

Mr. Johnson initiated a call to 911 because he observed a young man on his porch, who rang his doorbell and was bleeding.

When the officers arrived on the scene, they ignored the victim who had been shot, as is evident from the video and the testimony of Mr. Johnson. The victim continued to wander on the front lawn when the officers went upon the threshold of the Johnson residence and then forcibly entered the residence without a warrant and without exigent circumstances present. Although there is no video or audio of what transpired within the residence,

both Mr. Johnson and his wife testified that Mr. Johnson was physically assaulted and thrown to the floor. This all occurred on Monday, February 8, 2016 at approximately 10:54 p.m. Officers Morten, Hamden, and Gianini were the first officers to arrive on the scene. They overpowered Mr. Johnson by force and then used a chemical agent although they already had Mr. Johnson on the ground. As is customary in situations such as this, the MPD charged Mr. Johnson with assault, disorderly conduct, and resisting official detention.

When Mr. Johnson's son, Mr. Bradley Warren, arrived on the scene, he observed his father in the backseat of the police squad car and noticed that his eyes were swollen. The officers told Mr. Warren not to approach the patrol car and then they physically pulled Mr. Warren's hands behind his back and placed him on the hood of a private vehicle. Thereupon, Mr. Warren was placed under arrest for disorderly conduct and resisting official detention.

Mr. Johnson was transported to Regional One Health for treatment of the chemical agent exposure.

Whether correctly or incorrectly, Mr. Johnson believes he has been subjected to this response from the MPD because of his prior statements critical of the MPD regarding the investigation of one of his sons, who was murdered two years prior to the incident under review by CLERB.

The officers' statements are inconsistent with what appears on the video. This is one reason that it would be appropriate and necessary for the officers to appear and testify under oath at CLERB hearings where they can be asked questions and respond. These officers have the right to be represented by their counsel and they have already been issued and signed Garrity Advisory Statements. Thus, any statements or testimony made is inadmissible in State or Federal criminal prosecutions, so there is really no reason officers of the Memphis Police Department should not appear at the request of CLERB.

Contrary to the video evidence and the testimony of the officers, Mr. Johnson was not harboring the young man who had been shot and in fact the video shows that the shooting victim had exited Mr. Johnson's home but rather than attending to him, getting him subdued, and to a paramedic, the police ignored him and physically entered Mr. Johnson's home, without permission or a warrant.

Mr. Johnson did not give the police permission to enter his home and there was no exigent reason to do so.

The charges against Mr. Johnson were dismissed. The officers failed and refused to appear in Court even though they were subpoenaed.

It is interesting to note in Mr. Bradley Warren's statement that he said that when he was talking to an officer the officer brought up Mr. Johnson's other son's death. This statement was not refuted by any of the officers in their statements.

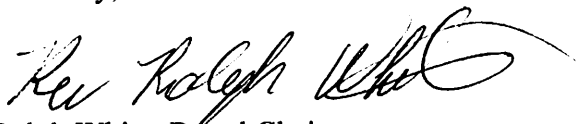
Recommendations

In addition to the recommendations contained in the April 11, 2017 letter, CLERB would also recommend that MPD

- adopt a strict policy prohibiting any retaliation whatsoever against citizens who file complaints with ISB or otherwise criticize the MPD;
- provide CLERB with the policy that states the criteria and procedure to designate a location a "hazardous location." [If there is no policy, CLERB recommends the adoption of such a policy.]

Thank you for consideration of our reasoning and recommendations. As required by the City of Memphis Ordinance No. 5620 (August 24, 2016) Section 28-160, you have 10 days from your receipt of this letter to notify CLERB in writing of the action you propose in response to these recommendations. Please copy Virginia Wilson, CLERB Administrator, on your response.

Sincerely,



Ralph White, Board Chair
Civilian Law Enforcement Review Board (CLERB)

/leb

CC: Reginald Johnson
Virginia Wilson, CLERB Administrator



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Michael Rallings
Director, City of Memphis Police Department
201 Poplar Avenue
Memphis, TN 38103

***Re: ISB File # 1080-11
James Bolden***

Dear Director Rallings,

Please accept this ADDENDUM to our letter to you dated April 11, 2017.

First, the Civilian Law Enforcement Review Board (CLERB) confirms its prior decisions to sustain Mr. Bolden's complaint and recommendations that the officers involved attend sensitivity training, as well as further training on the Policies and Procedures of the Memphis Police Department.

The issue here is whether Officers B. Pfeil and J. Minor violated policies and procedures of the Memphis Police Department.

On December 11, 2011, James Bolden, a truck driver, had just returned to Memphis and parked his tractor trailer at his place of business on Old Highway 78. Mr. Bolden had pulled his personal vehicle, a late model BMW, outside the gate and was in the process of locking the gate when police officers Pfeil and Minor pulled up because of a silent alarm going off in the building next door at 5300 Old Highway 78. Mr. Bolden, an over-the-road truck driver, continued to secure the gate of his employment and then explained to the officers what he was doing, before the officers asked him for his identification. At no time did the officers check the VIN of Mr. Bolden's vehicle or attempt to verify his employment with the company on the

door, Mr. Bolden was asked by the officers to place his hands on the car.

While conducting an aggressive and excessive search of Mr. Bolden's person, the officers caused pain to Mr. Bolden's genital area. When Mr. Bolden reached for his groin, the officers proclaimed that he was going for a gun and slammed him to the ground. Mr. Bolden was then kicked twice in the rib area and handcuffed. The officers then picked him up, slammed him on the car, and took him to jail. No weapons were found on Mr. Bolden, and he sustained injuries to his head, his left side rib area, his left knee, and his left elbow.

While officers are allowed to search a subject to determine whether an individual is armed with a weapon or not, they should do it in a way that accomplishes the goal without causing pain to the subject. Mr. Bolden was in pain because of the excessive force used by the Officer Pfiel during the search. Because of this excessive force in conducting the search, Mr. Bolden's reflexes caused him to reach down to his waist. Two officers clearly could have regained control of the situation without using more excessive force; however, they chose to slam Mr. Bolden to the ground and kick him twice. Again, no weapons were found on Mr. Bolden, and there was no good reason shown to take him to jail. He was in no way found to be associated with the alarm that went off in the building next door.

Because of the following, the Civilian Law Enforcement Review Board sustained Mr. Bolden's claim.

Thank you for your consideration of this recommendation. As required by the City of Memphis Ordinance No. 5620 (August 24, 2016) Section 28-160, you have 10-days from your receipt of this letter to notify CLERB in writing of the action you propose in response to these recommendations. Please copy Virginia Wilson, CLERB Administrator, on your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph White", with a stylized, flowing script.

Ralph White Board Chair
Civilian Law Enforcement Review Board (CLERB)

CC: James Bolden '
Virginia Wilson, CLERB Administrator