



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

Mrs. Wilson:

During the board meetings of the Civilian Law Enforcement Review Board (CLERB) from November 17, 2016-March 9, 2017, the board voted to sustain the following cases. Please find attached letters of response for each case listed below:

- |                         |                      |
|-------------------------|----------------------|
| 1. Mr. Reginald Johnson | ISB File # I2016-003 |
| 2. Mr. Paul Garner      | ISB File # I2013-089 |
| 3. Ms. Claudette Taylor | ISB File # I2012-090 |
| 4. Mr. James Bolden     | ISB File # I080-11   |

Please be advised that the original four (4) letters of responses will be delivered to you via hand-delivery. If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Michael W. Rallings, Director  
Memphis Police Department

Cc: Zayid A. Saleem, MPD Legal Advisor

***Total # of attachments including cover—11***

201 Poplar Avenue, Room 12-05, Memphis, Tennessee 38103



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May 4, 2017

Virginia Wilson  
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**Re: ISB FILE # I 2016-003**

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. Reginald Johnson, Sr. regarding an incident that occurred on February 8, 2016.

The Board unanimously voted to sustain Mr. Johnson's complaint against the officers of the Memphis Police Department. Specifically, the Board recommended that the involved officers be reprimanded for their behavior during the incident, that the department holds sensitivity training and provides training regarding warrantless entries to residences.

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 for the following reasons:

- On February 8, 2016 at 10:54 PM, Mr. Reginald Johnson, Sr. called the Memphis Police Department to report a shooting victim in the front of his home at 4102 Knob.
- Officers M. Morton, A. Hammond and A. Giannini were the first to arrive on the scene.
- The officers began their preliminary investigation into the shooting by questioning the shooting victim outside the residence.
- Mr. Johnson interfered with the preliminary investigation when he encouraged the shooting victim to enter into his residence and no longer cooperate with the responding officers.

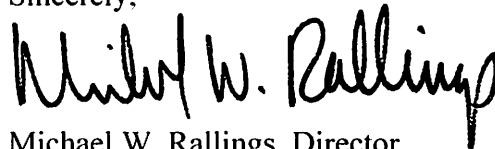
- When Mr. Johnson encouraged the shooting victim to make entry into his home and cease cooperating with the investigation officers, exigent circumstances did exist for the investigating officers to make entry into the home to continue gathering facts about the shooting and to ensure medical care was rendered to the victim.
- Mr. Johnson directly interfered with an active shooting investigation by the officers who responded to his call for police services.
- Additionally, Mr. Johnson's actions also potentially put the shooting victim and the responding officers in jeopardy due to the fact that, at that time, the officers were making an effort to identify the possible shooter and ascertain the exact location of the shooting.
- After officers entered the residence, Mr. Johnson attempted to assault the officers who were lawfully inside the residence; and force was used to subdue Mr. Johnson, who was then placed under arrest for Assault, Disorderly Conduct and Resisting Official Detention.

This incident was the result of the actions of Mr. Reginald Johnson, Sr. He directly interfered with an official investigation of a shooting conducted by the officers dispatched to his residence. Such investigations are volatile and can place the victim, officers and others in jeopardy when information is not promptly gathered.

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. Reginald Johnson, Sr.

Sincerely,

A handwritten signature in black ink, reading "Michael W. Rallings". The signature is fluid and cursive, with the first name "Michael" and last name "Rallings" being the most prominent parts.

Michael W. Rallings, Director  
Memphis Police Department

cc: Zayid A. Saleem, Police Legal Advisor



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**Re: ISB FILE # I-2013-089**

Dear Mrs. Wilson:

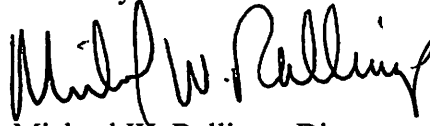
I have reviewed the Civilian Law Enforcement Review Board's findings regarding the above-referenced Inspectional Services Bureau ("ISB") Investigation. The investigation was conducted as a result of a complaint filed by Mr. Paul Garner regarding an incident that occurred on December 11, 2011.

The Board considered live testimony from Mr. Garner, in addition to video evidence provided by Mr. Garner and the closed ISB file. The Board ultimately ruled that the involved officer(s) violated Policies and Procedures of the Memphis Police Department. The Board recommended that the Police Legal Advisor give officers' instructions on citizens' constitutional rights with regards to filming police officers. The Board also recommended that Mr. Garner's case be reviewed by Internal Affairs to adherence to several policies and procedures.

Having reviewed the ISB file, I must note that Mr. Garner declined to allow investigators an opportunity to review video he had in his possession. However, the Board has had the opportunity to examine the video. Therefore, I am requesting that the video evidence examined by the Board be provided to the Memphis Police Department for review. I will instruct the Inspectional Services Bureau to make the video a part of its case file and to make additional findings as warranted.

Upon the completion of the review, I will notify CLERB in writing of the actions I propose in response to their recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Rallings". The signature is fluid and cursive, with the first name "Michael" being more prominent.

Michael W. Rallings, Director  
Memphis Police Department

cc: Zayid A. Saleem, Police Legal Advisor





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**Re: ISB FILE # I2012-090**

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's finding regarding the above referenced Inspectional Services Bureau Investigation ("ISB"). The investigation was conducted as a result of a complaint filed by Ms. Claudette Taylor regarding an incident that occurred on August 17, 2012.

The Board unanimously voted to sustain Ms. Taylor's complaint against the officers of the Memphis Police Department. Specifically, the Board concluded that the evidence presented by Ms. Taylor sustained that the police officers violated Policies and Procedures of the Memphis Police Department. The Board recommended that the involved officers attend sensitivity training, as well as further training on Policies and Procedures regarding "Necessary Force." The Board further recommended that the officers issue a letter of apology to Ms. Taylor.

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 August 17, 2012, officers were dispatched to a disturbance at Waldorf and McMillan Street. The disturbance required several officers to be dispatched into the area for crowd and traffic control.
- Officers made several arrests during their efforts to gain control of the scene and disperse the crowd which had gathered in the area.

- Several officers observed Ms. Taylor in the intersection of Waldorf and Miller cursing and yelling, creating a disturbance attempting to incite individuals in the area. Ms. Taylor's son may have been shot during the disturbance.
- Officers asked Ms. Taylor several times to cease attempting to create a disturbance and incite the crowd.
- Ms. Taylor disregarded the instructions from officers to stop creating a disturbance.
- When Ms. Taylor continued to disregard the officer's commands, Officer Parker approached Ms. Taylor and advised her to place her hands behind her back; and Ms. Taylor refused.
- Officer Parker then grabbed Ms. Taylor's arm, placed a handcuff on her when she yanked away and began to resist the lawful arrest.
- Two additional officers observed Ms. Taylor resisting with Officer Parker and came to render assistance to him and place Ms. Taylor in handcuffs.
- Ms. Taylor continued to resist; and as officers attempted to gain control, her momentum caused them all to fall into her yard.
- Civilian witness Mr. Johnnie Robinson observed Ms. Taylor struggling with three to four officers before they were able to take her to the ground.
- After placing handcuffs on Ms. Taylor and attempting to get her off the ground, it was discovered that Ms. Taylor suffered an injury to her left leg.
- Officers requested the Memphis Fire Department to the scene to render medical treatment.
- It was determined that Ms. Taylor suffered a six-inch laceration to her left leg as a result of an iron planter in the yard during her fall to the ground.
- Ms. Taylor was treated on the scene, transported to the Regional Medical Center for additional treatment and then transported to jail.
- Ms. Taylor was arrested for Disorderly Conduct and Resisting Arrest.

I do not concur with the Board's conclusion that officers violated Policies and Procedures of the Memphis Police Department during the arrest of Ms. Claudette Taylor. Ms. Taylor sustained injuries during the course of her lawful arrest. The injury Ms. Taylor suffered was not the result of any intentional or negligent act by any of the arresting officers. Ms. Taylor's injury was not the result of any force used by any of the arresting officers. I must conclude that the arresting officers used the minimal amount of force necessary to complete the arrest.

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. Having concluded that the officers acted within policy during this incident, I will not issue an order requiring the arresting officers to

issue a letter of apology. I will in the coming days personally contact Ms. Taylor to discuss this matter with her.

Based upon the above findings, I will take no other action as to the Board's recommendations regarding the complaint of Ms. Claudette Taylor.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Rallings". The signature is fluid and cursive, with the first name "Michael" and last name "Rallings" being more prominent than the middle initial "W".

Michael W. Rallings, Director  
Memphis Police Department

cc:     Zayid A. Saleem, Police Legal Advisor





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May 4, 2017

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**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, appearing to read "Michael W. Rallings". The signature is fluid and cursive, with the first name "Michael" and last name "Rallings" being more prominent than the middle initial "W".

Michael W. Rallings, Director  
Memphis Police Department

cc: Zayid A. Saleem, Police Legal Advisor