

# **City of Memphis Civilian Law Enforcement Review Board**

## **Minutes for August 9, 2018**

### **Call to Order**

The meeting of the Civilian Law Enforcement Review Board was formally called to order by Chairman White at 4:18 p.m.

### **Board Members Present:**

Ralph White, Chairman  
Casey Bryant, Vice Chairman  
David Acey  
June Chinn-Jointer  
Marie Finney  
Ricky Floyd  
Dwan Gilliom  
Nicholas Bragorgos  
Sandeep Pednekar  
Hazel Moore  
Jamita Swearingen, Council Liaison

### **Board Members Absent:**

Floridia Jackson

### **Approval of the Minutes:**

A motion to approve the minutes of the prior two meetings, June 14<sup>th</sup> and July 12<sup>th</sup>, 2018, was offered by Mr. Bragorgos, seconded by Ms. Moore, and unanimously approved as submitted.

### **Items of Discussion:**

- 1) Ms. Wilson announced the postponement of Citizen's Police Academy. She will send around a sheet for the board to sign so they can mark calendar dates of appropriate Saturdays that would be a good time to reschedule the training. MPD has requested all board members attend the training, even if they were trained in 2017.
- 2) NACOLE: There was a discussion regarding reimbursements for attending training. Mr. Pednekar discussed difficulty in getting the City to reimburse him for a previous conference, held in 2015, and stated that he had decided not to attend NACOLE as a result. It was agreed that there would be further efforts to get Mr. Pednekar reimbursed for his previous expenses, and that

the process would be reviewed as there will be other training opportunities in the future and the desire is that reimbursements be a seamless process.

- 3) The Chairman expressed his thanks for the attendance of the board members, with special thanks to Ms. Swearingen, the City Council liaison.

### **New Business:**

- ISB File #I2018-013 / Mr. Charles Smith

Mr. Charles Smith was sworn in by Chairman White. Chairman White then outlined that, on March 1<sup>st</sup>, 2018, on a dark and rainy evening, Mr. Smith went over to Ms. Frances Williams' home, located at 953 Forrest Avenue, Memphis, Tennessee, and attempted to have a conversation with her. Ms. Williams did not answer her door, and Mr. Smith knocked repeatedly, in a loud manner, to no avail. Mr. Smith left the address, to return later. He had been consuming alcohol at some point during the evening.

Mr. Smith was in his truck waiting, parked at the curb on the wrong side of the street, when a police officer arrived by himself. After a brief discussion with the officer, Mr. Smith was asked to remain in his truck while the officer attempted contacting Ms. Williams. Mr. Smith returned to his truck and, as the officer approached the door to Ms. Williams' house, Mr. Smith left his truck and the officer had to return to interact with Mr. Smith before he could speak to the occupants of the house. Mr. Smith and the officer had an altercation which resulted in Mr. Smith receiving injuries to his head and face, being handcuffed, transported for medical attention and, later, arrested.

Mr. Smith spoke at length discussing that the officer had no right to hit him, and that he, Mr. Smith, had been in compliance with the officer's directions. There were two witness statements that had been submitted to the board, and those were discussed and discounted by Mr. Smith.

After a period of questioning by board members to try to ascertain why the officer acted in such an aggressive manner, body cam and dash cam video was played for the board. After viewing the video footage several times, questioning resumed with the members of the board inquiring about the discrepancies in Mr. Smith's recitation and remembrance of the events and what the video showed. There was concern by several members of the board that Mr. Smith had actually moved forward, in what could be construed as an aggressive manner, toward the officer, which the officer had reported as concerning to him as he thought Mr. Smith was reaching for a gun. Several board members inquired why Mr. Smith had not simply just followed the directions of the officer to stay in his truck, so that the officer could contact the occupants of the house and figure out the situation to the benefit of all.

Mr. Smith replied, in essence, that he felt that the officer didn't have a reason to tell him to stay in the truck; that he wanted to collect his belongings from inside Ms. Williams' house; and that he was attempting to engage the officer in conversation about what he wanted the outcome to be.

Various members of the board outlined that it was dark, it was rainy, Mr. Smith had been drinking alcohol, the officer was by himself, working what was received from 911 as a domestic violence situation, and that the officer may have felt threatened by the noncompliance of Mr. Smith when he chose to not follow directions and stay in his truck so the officer could conduct his investigation.

Mr. Pednekar discussed that perhaps CLERB could do some community outreach where they help the public understand the importance of following an officer's directions, even if they are not agreed with, in order to stay safe during interactions with law enforcement. Chairman White agreed that he would follow up with Ms. Swearngen to see what written materials are available that can be distributed to the public.

After further discussion, Mr. Gilliom moved that the matter be sustained in favor of the police officer. This motion was seconded by Mr. Bragorgos. After polling the board, the motion passed unanimously, with no dissenting votes. The board wished Mr. Smith well in his future endeavors, and he was excused.

**Adjournment:**

Chairman White and Ms. Wilson noted that the next CLERB board meeting will be held on September 13<sup>th</sup>, at Raleigh Community Center, on Powers Street, and the meeting after that will be held on October 11<sup>th</sup>, at Riverview Community Center, on Kansas Street. They expressed appreciation to LeMoyné-Owen College for hosting today's meeting as it allows the public to feel more comfortable coming to the meetings to observe.

Ms. Bryant offered a motion to adjourn, and the meeting was formally adjourned at 5:27 p.m.