

**City of Memphis Civilian Law Enforcement Review Board
Minutes for November 8, 2018**

Call to Order:

The meeting of the Civilian Law Enforcement Review Board was called to order at approximately 4:10 p.m. on November 8, 2018, at 125 North Main Street, Memphis City Council Conference Room, Fifth Floor, Memphis, Tennessee, by Chairman Casey Bryant with those present as noted. Present in the audience were visitors from MICAH and Constance Abbey, along with others notated on a separate sign-in sheet.

Board Members Present:

Casey Bryant, Chairman
David Acey
Nicholas Bragorgos
Marie Finney
Ricky Floyd
Floridia Jackson
Sandeep Pednekar
Ralph White, Assistant Chairman

Board Members Absent:

June Chinn-Jointer
Dwan Gilliom
Hazel Moore
Jamita Swaengen, Council Liaison

Also Present:

Mary Grambergs, Senior Assistant City Attorney
Virginia Wilson, Administrator
Arthur Robinson, Investigator

Approval of the Minutes:

A motion to accept the minutes of the previous meeting, held on October 11, 2018, was offered by Mr. White and seconded by Mr. Acey. Upon acceptance of the motion, a vote was held with all present in favor and no nays.

Chairman's Discussion/Old Business:

A discussion was held regarding the three newly formed committees. Mr. Pednekar volunteered to serve not only on the Web Design and Social Media Committee, where he was appointed, but also on the Outreach Committee. A letter had been prepared by the

Recommendations Committee in support of the last complainant, Mr. Otha J. Thurmond, and it is being reviewed by members of the board.

Chairman Bryant proposed the board vote on changing CLERB's meeting schedule to every other month so that committees can meet in the intervening months and do committee work. Mr. White seconded the motion and a vote was held with all present voting in favor and no nays.

NACOLE Conference Report:

Ms. Wilson gave a report on her attendance at the NACOLE conference held recently in St. Petersburg, Florida. She highlighted a PowerPoint presentation that was included in the board's packets showing printed slides discussing use of force information that was presented at the conference. Ms. Wilson also discussed effective ways to engage the community with the police by finding ways to interact in less formal settings, such as community events, so there is more positive interaction. Ms. Wilson also reviewed suggestions for getting the information out about meetings by using all media resources, such as TV, radio, e-mail, and social media. Finally, Ms. Wilson highlighted a presentation at NACOLE that dealt with some of the problems with mass incarceration, including poor health care, lack of medication, abuse by other inmates and jailers, and dehumanizing tactics used to control the inmates. Ms. Wilson will continue to work to obtain copies of the presentations for CLERB's review.

New Business:

ISB Case No. I2012-029 – Dale Robinson:

The Board heard remarks by Mr. Dale Robinson. Mr. Robinson's case had previously been sustained by ISB, but CLERB wanted to provide a public forum for him to tell of his experience from May 24, 2012. Mr. Robinson stated that his daughter's car had been hit while she was out in the community, and the person had left the scene without contacting her. She was able to get some identifying information and came home to discuss with her parents what to do. Mr. Robinson took the lead in teaching his daughter how to handle the situation by explaining how to call the non-emergency police line and requesting an officer to come take a report. The officer arrived and acted in a highly confrontational manner, including "snorting" and grabbing the front of his safety vest, and declaring that he would not take a report. Mr. Robinson thanked the officer for coming and remarked that they would call for another officer to come. After a brief verbal discussion Mr. Robinson was arrested.

The arrest was a forceful takedown and, as a result, led to some loss of feeling in Mr. Robinson's left arm which took a month and a half to fully heal. The officer's actions were so forceful, including Mr. Robinson being grabbed by the throat and pushed to the ground, that Mr. Robinson's wife and daughter were concerned for Mr. Robinson's life and were standing to the side shouting, "Please don't kill my husband! Please don't kill my daddy!" Another officer on the scene used explicit language towards the family during the interaction.

A third officer who was also on the scene was able to stay with Mrs. Robinson for a short while after Mr. Robinson was taken to jail and console her and encouraged her to file a complaint regarding the other two officers' actions, saying, "We're not all this way." When Mrs. Robinson went to the precinct on Mount Moriah to file her complaint, the lieutenant who was on duty responded, "What the hell do you expect me to do?" Mrs. Robinson was so taken aback with that interaction that she was unable to file her complaint that day.

After being released from jail, Mr. Robinson filed a complaint with ISB, which was eventually sustained, and the two officers received corrective action, with one being suspended for five days and the other for three days. While Mr. Robinson appreciated that ISB acknowledged that the officers acted improperly, he is bringing his case to the CLERB's attention because he feels the main officer should have been fired, not suspended, and that the suspension was inadequate. Mr. Robinson also feels he should receive a public apology for being embarrassed in public in such a grievous way, his record should be expunged completely, and he should receive a sum of money in compensation. Although he does not currently have a civil suit against the city, pending the outcome of CLERB's decision, Mr. Robinson hopes he may be able to proceed with his other actions.

Mr. Robinson also stated that after the events first occurred he hired an attorney to help him with his case, but that attorney eventually acted improperly and had Mr. Robinson's civil case dismissed without Mr. Robinson's consent. The attorney hired by Mr. Robinson was eventually censured by the Tennessee Supreme Court.

After discussion and questioning of Mr. Robinson by the board, Mr. White made a motion that the board draft a letter sustaining the ISB sustainment, but noting that the corrective action the ISB took was inept. This motion was upheld upon vote of the board with all ayes and no nays. It was also noted that a request would be made to the mayor for a formal apology to be made on behalf of the city. Mr. Robinson thanked the board for their time in hearing his case.

Public Comments:

The meeting was opened to comments from the public as follows:

Mr. Paul Garner: Mr. Garner thanked Mr. Robinson for his comments and commended him for coming before the board and describing the traumatic events he experienced, and further remarked that it is important that the community hold our elected officials and our police department accountable.

Mr. Garner then requested a follow-up on the Marcus Walker case, as the council liaison was tasked with requesting a subpoena for an officer to appear before the CLERB to answer

questions about the case. Chairman Bryant noted that there had been a strategic pause in requesting the subpoena, and that she would follow up to see where it currently stood. Mr. Garner also inquired if there had been clarification on whether community members could serve on a CLERB subcommittee, to which Chairman Bryant affirmed that community members could be invited to serve on subcommittees, but they will be unable to vote. However, as subcommittees are only making recommendations anyway, that should be a non-issue.

Mr. Garner also verbalized that it is possible for the mayor, *via* executive order, to direct the police director to comply with recommendations and requests of the CLERB. Chairman Bryant thanked Mr. Garner for noting that.

Mr. Bragorgos inquired if Mr. Garner had participated in the Citizen's Police Academy Program, and recommended that Mr. Garner participate in that 10-week course. After Mr. Bragorgos shared an experience he recently had while doing a ride-along with officers as part of that course where he observed officers' efforts to diffuse a situation between a mother and son and the things they did to provide a successful outcome, he offered to pay \$10 towards Mr. Garner's registration fee if he would commit to attend the training. Upon consideration of the offer, Mr. Garner agreed to look into enrollment in the next class. Ms. Wilson agreed to get the enrollment information to Mr. Garner.

During the discussion with Mr. Bragorgos, Mr. Garner expressed that he would be willing to see another side of police work, but that he had concerns with an institution that would "bend itself into a pretzel before it will hold its own people accountable," but that he was agreeable to looking into the training.

Mr. Casio Montez: Mr. Montez address the board on behalf of Martavious Banks' mother, noting their concern over police officers who break MPD policy by turning off their body cameras during interactions with the public and how they can be made to be held accountable.

Chairman Bryant thanked Mr. Montez for addressing his concerns to the board and noted that the Banks case is currently under review and the board is awaiting the outcome of that review. Chairman Bryant further noted that she was hopeful that ISB would determine that the actions of the police officers involved in the Banks case were so egregious that ISB would have no choice but to sustain corrective action and/or disciplinary methods.

Ms. Jackson and Mr. Floyd both thanked Mr. Montez for his efforts on behalf of the Banks family and commended him for his work and service to the community.

Mr. Reginald Johnson: Mr. Johnson commented to Mr. Montez and Mrs. Banks that he had been in contact with Director Rallings and District Attorney Weirich and that both of these

parties have said that they are willing to meet with Mr. Montez and Mrs. Banks, so they should request a meeting.

Mr. Johnson thanked Mr. Arthur Robinson and Chairman Bryant for attending an event that he had held in honor of his son's death four years ago and how thankful he was that they had taken the time to be there.

Adjournment:

With no further business, Chairman Bryant called for a motion to adjourn, which was offered by Mr. Acey and seconded by Ms. Jackson, with all board members voting in favor. The meeting was adjourned at 5:26 p.m.

The next board meeting will be Thursday, January 10th, 2019, at 4:00 p.m. at a location still to be determined.