

City of Memphis Civilian Law Enforcement Review Board
Minutes for October 11, 2018

Call to Order

The meeting of the Civilian Law Enforcement Review Board was formally called to order by Chairman Bryant at 3:59 p.m.

Board Members Present:

Casey Bryant, Chairman
David Acey
June Chinn-Jointer
Ricky Floyd
Dwan Gilliom
Florida Jackson
Hazel Moore
Jamita Swearengen, Council Liaison
Ralph White, Vice Chairman

Board Members Absent:

Marie Finney
Nicholas Bragorgos
Sandeep Pednekar

Also Present:

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

Greetings and Mayoral Q&A:

Chairman Bryant recognized Mayor Strickland, who was in attendance, and the mayor was invited to share a few remarks. The mayor thanked the board for what they do as a CLERB, and requested that if there are any conflicts that come up where the board feels their recommendations and suggestions are not being taken seriously, to please come to the mayor directly to try to resolve it.

The meeting was opened up for questions, and Mr. White inquired as to the status of policies requiring MPD officers to not only wear their body cameras, but to have them activated while on duty. Mr. White noted a couple of incidents that had recently been in the press where officers had difficult interaction with the public, shots were fired, and the incidents had not been captured because the body cams were not activated.

Mayor Strickland responded that the specific incidents that were mentioned were unacceptable to the city administration and they were conducting a review of the City's policies in that regard. The City is working with the police department to make sure all interactions are captured. He noted that in the two years the police department has been using body cams, they have recorded, roughly, 2 ½ million interactions, and there has been approximately 50 or 60 instances that have not been recorded. Procedures are being reviewed to get that number down to zero. In addition, TBI is preparing a report on their assessment of the actual shootings, and the administration is awaiting their report.

Chairman Bryant noted that, at the upcoming training, the board should learn about the pros and cons of the body cams and their limitations, including how they are magnetized to the clothing and can be jostled or knocked off. Chairman Bryant then asked the mayor how he feels about the interactions between the board and the administration.

Mayor Strickland reiterated that he views the CLERB board as an independent entity and that he feels it is important that the board to remain independent of the administration, but that he would request that when there are conflicting opinions between the board, the police director, and/or the administration, that a representative of the board come to a face-to-face meeting to work things out before reaching out to media outlets.

There were no further questions, and Chairman Bryant thanked Mayor Strickland for his time, and he left the meeting.

Approval of the Minutes:

A motion to approve the minutes of the September meeting was offered by Ms. Jackson, seconded by Ms. Swearingen, and unanimously approved, as submitted, with no corrections.

New Chair's Address:

Chairman Bryant encouraged the board members to arrive so that meetings could begin right at 4:00, and thanked them for being on time today and noted that they had begun the meeting promptly at 4:00.

Chairman Bryant then proposed that three committees be formed, as follows: Communication and recommendations committee, outreach committee, and web design/social media. Members assigned to the communication and recommendations committee are: Nick Bragorgos, June Chinn-Jointer, Marie Finney, and Ralph White. Outreach committee members are: Florida Jackson, David Acey, Hazel Moore, and Jamita Swearingen. Web design/social media committee members are: Dwan Gilliom, Ricky Floyd, and Sandeep Pednekar.

In addition to proposing the creation of the committees, Chairman Bryant also proposed that public board meetings be held every other month, with the committees meeting during the intervening months. As such, November will be a regular board meeting, and December will be a committee meeting month and they will continue that pattern going forward. Ms. Grambergs is exploring what the requirements are for making a record of the committee meetings in order to comply with open-meetings requirements.

Chairman Bryant further proposed that, when the board is hearing a case, before the complainant testifies, the board should discuss what the issues are with the case. The board receives background information prior to the meeting, so they should already have a foundation of the circumstances of the interaction, and by discussing the issues they are concerned about, the complainant can better testify regarding what information the board is interested in understanding better. Hopefully, this will make the time more effective, the complainant won't be repeating themselves, and the meeting can run smoother and more concisely.

ISB Case No. I2017-029 – Otha J. Thurmond:

The above referenced case was presented to the board. This case was previously sustained by ISB, but Mr. Thurmond's son was present to share the case with the board and represent his father, who could not be present.

Mr. Thurmond discussed his father's arrest, noting that his father is 92 years old, weighs approximately 150 pounds, has never been to jail, never had a ticket, has served as an unofficial watchman in his neighborhood, owned his own neighborhood business for 30 years, and he was unfairly arrested by MPD officers. The arrest was traumatizing for his father and has had a detrimental effect on his health and ability to interact with his neighbors. Mr. Gilliom offered an apology to Mr. Thurmond for how his father was treated. Mr. Gilliom also noted that upon review by MPD, the officers were given a one-day suspension.

Three video excerpts were shown, depicting the events of the day of his arrest.

After viewing the video, members of the board expressed great concern with what the video reflected, and the poor judgement shown by the officers as they treated Mr. Thurmond roughly and inappropriately for the situation.

Mr. Gilliom also noted that in addition to the one-day suspension, that the officers were referred for diversity and sensitivity training. Some members of the board expressed that they were disappointed that the officers only received a one-day suspension, and that it should have been longer.

Ms. Jackson suggested that a letter be prepared and sent to Mr. Otha Thurmond, on behalf of CLERB, expressing the board's regret over the situation, and also recommended that the board request the mayor's office consider sending their own letter acknowledging regret for how the events unfolded.

Chairman Bryant also noted that this case will be added to other cases and will be used to strengthen the board's voice as they continue to meet with the administration and police director and discuss events and outcomes and whether the police's behavior is appropriate, given the situation. Chairman Bryant thanked Mr. Thurmond for bringing his father's case to the board.

Mr. Floyd noted that this case is probably the most disturbing case he has seen since his time on the board.

Ms. Jackson offered a motion to sustain the charges, which was seconded by Mr. Gilliom. A roll call vote was conducted with all present voting affirmatively, and no dissenting votes.

Ms. Jackson then offered a motion to draft a letter from CLERB, along with the City being invited to join, to acknowledge that Mr. Thurmond was treated in an unacceptable manner and that it has been recognized. A roll call vote was conducted with all present members voting affirmatively, and no dissenting votes.

Mr. White inquired whether the board puts themselves in some sort of legal liability concern if they send a letter, acknowledging the harm done to a citizen, and it is taken and used in a court proceeding. Mr. Floyd and Mr. Acey agreed with that concern, and after discussion, it was agreed that when the communication and recommendations committee drafts the letter, that they are careful with their verbiage.

Mr. Gilliom raised a concern about allowing the press to record the body cam videos as they are presented and shown in conjunction with cases and allowing them to be rebroadcast as part of news.

Ms. Grambergs clarified that as CLERB is independent of the city administration and, as long as the video meets certain standards for privacy, the board can present these videos and the public can become informed of the events, including recording and sharing the videos.

Old Business:

The date of Saturday, November 10th was announced as the new date for the Citizen's Police Academy training being held for the board. The training will be an all-day event.

Public Comment Session:

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

Ms. Kalyna Hanover: Thanked Mr. Gilliom for offering an apology to the Thurmond family and noted that an apology can go a long way with people. Ms. Hanover then asked if there are some kind of measurements that determine if the action being taken with officers to correct undesired behavior is working, and how that can be determined.

An unidentified audience member attempted to offer comments, but elected not to identify himself by name, therefore, in accordance with open records rules, was not allowed to continue speaking.

Mr. White, in response to Ms. Hanover, noted that she and/or her group could request to be included in the next Citizens Police Academy, and that that process would give her some information to consider. Chairman Bryant added her support for citizens to attend that class.

Ms. Hanover thanked the board for their suggestions, and suggested that in some format, the police officers need to be able to see how their actions impact citizens, and that there should be a nonjudgmental forum for them to learn in.

Mr. Fergus Nolan: Mr. Nolan expressed his disagreement that citizens need to receive training to help them understand things from the officer's viewpoint.

Mr. Paul Garner: Mr. Garner offered comments thanking the board for hearing the Thurmond case, and noted that it should not be a conflict for the board to hear cases that have been sustained by ISB. He also discussed that while complainants may feel that their individual case may only be a "drop in the bucket," that with "enough drops in the bucket, you get a pail of water."

Mr. Garner expressed approval for the committee formations, and was happy that the board was holding a public comment time. Mr. Garner also requested that Ms. Swearngen approach the city council to recognize Mr. Thurmond and validate and recognize his years as a public servant to his community. Ms. Swearngen agreed that she would make the suggestion.

Mr. Garner also discussed that he did not feel that a one-day suspension was prohibitive enough to cause a change in behavior.

Mr. Reginald Johnson: Mr. Johnson inquired if the video of Mr. Thurmond's police encounter could be used as a training tool for MPD, and it was noted that the video belongs to MPD and is in their control.

Mr. Floyd asked if Mr. Johnson could serve on one of the newly created committees, to which Chairman Bryant replied that she was in favor of that as long as it is allowed. Ms. Grambergs said that she would check into the legality of that and render an opinion.

Adjournment:

Chairman Bryant echoed support for Mr. Garner's suggestion of finding a way to honor Mr. Thurmond.

Upon agreement with the board, the meeting was adjourned at 5:22 p.m.

The next board meeting will be 11/8/2018, at 125 North Main, City Hall Building, at 4:00 p.m.