

**City of Memphis Civilian Law Enforcement Review Board
Minutes for January 10, 2019**

Call to Order:

The meeting of the Civilian Law Enforcement Review Board was called to order at approximately 4:08 p.m. on January 10, 2019, at 125 North Main Street, Memphis City Council Conference Room, Fifth Floor, Memphis, Tennessee, by Chairman Casey Bryant with those members present as noted. Also present in the audience were visitors as notated on a separate sign-in sheet.

Board Members Present:

Casey Bryant, Chairman
David Acey
Nicholas Bragorgos
June Chinn-Jointer
Marie Finney
Ricky Floyd
Dwan Gilliom
Florida Jackson
Hazel Moore
Jamita Swearingen, Council Liaison

Board Members Absent:

Sandeep Pednekar
Ralph White, Vice Chairman

Also Present:

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

AmeriCorps VISTA:

Cheryl Holtkamp and Ladarius Gustavis requested help with their donation drive on behalf of AmeriCorps and disseminated a flyer with further information on what donations are needed and where the drop boxes are. Donations will be delivered to Trezevant High School, Booker T. Washington Middle and High School, Union Mission, and Salvation Army shelters.

Approval of the Minutes:

A motion to accept the minutes of the previous meeting, held on November 8, 2018, was offered by Mr. Bragorgos and seconded by Ms. Chinn-Jointer. Upon acceptance of the motion, a vote was held with all present in favor and no nays.

Old Business:

Chairman Bryant acknowledged that with the committees being newly formed, there hasn't been much time for the committees to accomplish much. Chairman Bryant requested that the Web Design Committee take a look at the website and offer suggestions for improvement. Chairman Bryant noted that there has been a suggestion from an outside party that there be a link on the CLERB website to the live feed of the board of directors' meetings.

Chairman Bryant also asked the Outreach Committee to be brainstorming ways that CLERB can communicate effectively and efficiently with the public.

New Business:

ISB Case No. I2017-031 – Mr. Trent Collier:

The board generally reviewed and discussed the facts of the case. It was noted that there was no body camera footage available for viewing as the officers in question had turned off their body cameras. The only footage that was received reflected after the arrest of Mr. Collier while he was in the back of the police vehicle.

While awaiting Mr. Collier's arrival, the board opened the meeting to public comment.

Public Comments:

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

Mr. Reginald Johnson: Mr. Johnson asked the board about their intentions in the new year to put pressure on the mayor and the police director in order to effect change as it seems as if their efforts in the previous year didn't get any momentum within those departments.

Chairman Bryant replied that the board is working on some things that it hasn't implemented yet in order to accomplish its goals, and that the board is trying to figure out the best way to go about implementing these goals and is looking forward to the opportunities that the new year will bring as the board continues its outreach and work.

New Business Continued:

ISB Case No. I2017-031 – Mr. Trent Collier:

After being sworn in, Mr. Collier proceeded to tell the board that he was visiting his sister at her apartment complex one evening, watching movies and enjoying the company of her friends.

Upon Mr. Collier deciding to leave, his sister asked him to jump-start the car of one of her friends. While he was outside under the hood of the car, Mr. Collier was approached by two police officers and one K-9 officer. The officers requested that Mr. Collier hand over his identification. Mr. Collier asked for clarification as to why they needed his ID, and the officers stated that they were looking for a robbery suspect. After a verbal exchange, the officers placed Mr. Collier in custody and removed his ID from his back pocket. The K-9 officer at one point stood on the shoelaces of Mr. Collier's steel-toed boot, and when Mr. Collier requested the officer to step back, the officer lifted Mr. Collier from the ground by the neck, and choked him. Mr. Collier was handcuffed during this time. Mr. Collier also stated that at one point, the K-9 officer took Mr. Collier to the back of the K-9 officer's car, where it was darker, put on his gloves, and punched Mr. Collier in the jaw.

A woman who apparently was the complainant in the robbery came by and told the officers that Mr. Collier was not the suspect in the robbery. The officers left Mr. Collier in the back seat of the police car for approximately an hour after this information was received, and eventually came and told Mr. Collier he was being arrested for assault on a police officer. Mr. Collier stated that he is five feet, three inches tall, and the officer he allegedly assaulted was six feet, three inches tall. Some of the events were witnessed by Mr. Collier's sister, a friend of the sister, and one of Mr. Collier's coworkers, although they declined to make a statement to the board.

Mr. Gilliom inquired about Mr. Collier's visit to the emergency room and noted that the report stated that Mr. Collier was complaining about his pain being a 10 out of 10, and yet he left before receiving any treatment. Mr. Collier replied that he had just worked a 9-hour shift at work and although he was experiencing pain, he knew that his jaw was not broken because it was in place and he could move his mouth. So rather than sit in a cold emergency room, chained to a metal bench, he elected to go ahead and deny treatment so he could get his bond posted and be able to attend work the next day, without any further delay.

Mr. Bragorgos asked if Mr. Collier had any complaints regarding the other officers that were on the scene that night, and Mr. Collier said the two main officers were older and while they were rude at first, he didn't have a problem with their manner. Ms. Jackson furthered this line of questioning, and Mr. Collier noted that one of the officers, who was Caucasian, treated him very respectfully, talked to him, opened the door to allow him to smoke at one point, and was considerate in his manner. Mr. Collier also said that he had told that officer that when he got out of jail, he was going to take that officer for a steak dinner to say thank you. Mr. Collier expressed his frustration that while he went to jail and had to pay bond, get a lawyer, go to court three times (the officer never showed up to court), lost pay while he was attending to these matters, and ended up losing job, the officer involved continued to receive his own paycheck.

Upon questioning by Ms. Chinn-Jointer regarding the lady who told the officers that Mr. Collier was not the suspect, Mr. Collier discussed how the K-9 officer kept saying that he knew Mr. Collier, had had prior interactions with him, and had even arrested him previously, but Mr.

Collier stated that he didn't have an arrest record and had never even been to the apartment complex before the evening in question.

Chairman Bryant asked if Mr. Collier had had trouble making a police report about the incident, and Mr. Collier told the board how he had gone to the Mount Moriah precinct and attempted to file a report but the officers there told him he couldn't file a report at their precinct, so Mr. Collier had to go to the Hickory Hill precinct to file his report. Mr. Gilliom asked further questions about this, and Mr. Collier stated that he believed the officers were just going to stick together and there wasn't anything he could do.

Ms. Jackson noted that it was a smart thing for Mr. Collier to request medical attention that night so that a record was made of the event. Mr. Collier also noted that the EMT "grabbed me and snatched me and talked like, 'Move your ass over here'" and Mr. Collier felt that he was treated "less than a human."

Mr. Collier also relayed that the officers had taken possession of his cell phone and never returned it. When he inquired about the phone at the police station, the phone was nowhere to be found, and Mr. Collier was upset about that because he had a video on the phone of his son being born and that video is now lost.

Chairman Bryant asked whether Mr. Collier had acted aggressively towards the officers, and Mr. Collier replied that he did not start off acting aggressive or rude, but through the interaction he reacted to the K-9 officer's words and manner. Mr. Collier said that he tried to tell the K-9 officer that he had a job, he didn't bother anyone, that he worked hard for himself and had no need to rob anyone, and that he was "Islam," and that the officer replied, "I don't give a fuck about you being Islam, little nigger," and that after that exchange, Mr. Collier did cuss the officer out. Mr. Collier's coworker had come outside the apartment to find out what was going on, and upon seeing the events unfolding, he said, "Hey, we just got off work, what did he do?" The officer told him to, "Shut the fuck up, come on, you're going to jail too." and they put the coworker in the back of a different police car.

Chairman Bryant discussed that the ISB had sustained the charge of not having the body cameras on as a violation of MPD's regulations, and that the board was now to consider if the officers' personal conduct was such that befits a public servant and also, whether the officers used excessive or unnecessary force.

Ms. Jackson moved that the board decide whether the officers violated the policy of using body cameras appropriately, to which Chairman Bryant held a roll-call vote and all present voted to sustain the charge of not using body cameras appropriately.

A roll-call vote was held on the issue of violation of MPD's personal conduct policy, which charge was also sustained by all present.

A roll-call vote was then held on the issue of whether the K-9 officer, Mr. Enis Jackson, used excessive or unnecessary force, with seven board members voting to sustain the charge and two voting to not sustain. Chairman Bryant explained to Mr. Collier that the board will draft a letter to the police director outlining the events of this board meeting and asking Director Rallings to review the matter further.

Mr. Floyd asked Mr. Collier if there was anything he wished he had done differently that evening that would have made the situation have a better outcome, to which Mr. Collier replied that he felt that he had done things the right way. A further discussion ensued with Mr. Acey discussing that if Mr. Collier had just given the officer his ID, that the events of the night might have gone completely differently. Mr. Gilliom explained to Mr. Collier that the officers have a right to ask for ID of a person at any time, but particularly when they are investigating a crime, and that individuals need to understand that and just hand over their identification documents. It was noted that because the officers had turned off their body cameras, there is no way of knowing if things happened exactly as described, but that all the officers need to have video proof of their interactions with the public, and the public needs to do what is requested by an officer and work out their grievances over the process later.

Ms. Jackson noted that it was possible the officers reacted with concern to Mr. Collier's movement in reaching for his ID, and that if the officers had come to the scene acting aggressively, there may have not been anything that Mr. Collier could have done to create a better outcome. Chairman Bryant noted that people do have a right to ask if they're under arrest or being detained, and people do have the right to ask some questions to police officers. Ms. Chinn-Jointer also agreed that people have the right to ask "why me?".

Chairman Bryant thanked Mr. Collier for coming before the board, and Mr. Collier expressed thanks to Mr. Robinson for all of his help and patience with Mr. Collier's case.

Public Comments:

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

Ms. Jan Shively: Ms. Shively asked if the board had a copy of the police report from the night of Mr. Collier's arrest, to which Mr. Bragorgos confirmed that each board member had received and reviewed that information.

Ms. Angela Kolb: Ms. Kolb, representing MICAH, expressed concern over the body cameras being inactivated during incidents like Mr. Collier's and inquired as to the punishment for officers who turn them off. Mr. Gilliom responded that Director Rallings has explained that officers receive "corrective" action, not "disciplinary" action, and that the action taken could range from a reprimand to suspension. Mr. Floyd noted that Mr. Collier's case was from 2017, and that with the publicity of recent events, such as the Martavious Banks case, the incidences of body cameras being turned off should be diminishing.

Mr. Phillip Jackson: Mr. Jackson, who works for the Commercial Appeal, asked if CLERB was going to make a recommendation that Memphis follow other cities that are releasing body camera footage in close-time proximity to incidents for the public's review, and stated that New Orleans, Los Angeles, and Baton Rouge are releasing footage within the week or a month of incidents. Ms. Finney and Ms. Jackson agreed that if other states are releasing footage that quickly, then Memphis should take a look at also doing the same.

Ms. Wendy Zuniga: Ms. Zuniga attempted to discuss a case she would like to bring to CLERB, and Chairman Bryant directed her to Mr. Robinson so Mr. Robinson could help her and gather information to be presented to a future board meeting. Ms. Zuniga expressed concern that she was nearing the statute of limitations on an appeal, and Chairman Bryant assured her that the board would work with her on it.

Adjournment:

Ms. Jackson moved for the meeting to adjourn, seconded by Ms. Moore, and all board members voted in favor. The meeting was adjourned at 5:36 p.m.

The next board meeting will be Thursday, March 14th, 2019, at 4:00 p.m., at City Hall in the City Council Conference Room, Fifth Floor, 125 North Main Street, Memphis.