



Civilian Law Enforcement Review Board (CLERB)  
 City of Memphis  
 Park Service Building ~ Shelby County School Board  
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May 10, 2018

Michael Rallings  
 Director, City of Memphis Police Department  
 201 Poplar Avenue  
 Memphis, TN 38103

*Re: ISB File #I2016-057  
 Shirley /Sharrita Warr*

Dear Director Rallings,

Please accept this letter articulating our findings upon reviewing the above-noted ISB file and hearing testimony from the complainant, Ms. Sharrita Warr. Officer Enis Jackson was charged with violations of the Memphis Police Department policies for Courtesy (DR 107) and Excessive Force/Unnecessary Force (DR 301), charges that were initially sustained, but then dismissed after the disciplinary hearing, which was held on April 4, 2017.

The Civilian Law Enforcement Review Board (CLERB) is not a board of lawyers, but just as its name reveals, a board of civilians who are reviewing the plain meaning of policies and the apparent application of those policies to actual situations. The dismissal of the charges hinges on a technical definition of "choke hold", a nuance that we, as a civilian board, do not find to be a reasonable distinction.

The ISB report cites the MPD policy for **Excessive Force/Unnecessary Force**, which is "defined by the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life."

According to the policy, an officer can either use physical force when they are being threatened with similar force, OR when a situation cannot otherwise be controlled where otherwise reasonable alternatives have not been effective or simply would not be effective under the circumstances. Those alternatives could be advice, warnings, and persuasion. Factors to

consider when determining the amount of force include: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest.

There are no facts presented to demonstrate that Officer Jackson was in danger of bodily harm. In fact, Ms. Warr had been on the scene for at least 10 minutes before anyone even addressed her directly. Before learning that she had been a passenger in the car, Officer Jackson said "We ain't even going to worry about her". It would seem that Ms. Warr did not interact with Officer Jackson until he demanded that she present identification and when she refused he attempted to grab her. Naturally, she resisted because Officer Jackson escalated the situation without making reasonable attempts to interact with Ms. Warr prior to that moment. Her resistance did not direct any physical force or threat thereof to Officer Jackson, who also made no attempts to utilize reasonable alternatives to control the situation. In fact, in his interview for the Inspection Services Bureau, Officer Jason Matthews when asked specifically if Ms. Warr posed a threat to Officer Jackson, he answered "No." In his respective interview, Officer Jackson himself stated only that Ms. Warr kicked his shins after she was physically restrained but did not mention any physical threat to his safety, which under MPD policy, would have necessitated the amount of force he applied.

Moreover, although the Hearing Officer Deputy Chief T. Landrum admits that the scene prior to Officer Jackson's arrival was out of control, he did not consider those prior circumstances in evaluating the instant when Officer Jackson applied force upon Ms. Warr. This case arose out of a stop for expired tags. The first officer on the scene allowed the driver to enter his house to get his identification and then chased him around the vehicle several times before the driver ran to the back of the house and the officer turned his attention to the passengers. After taking Ms. Warr's brother into custody, Officer Jackson had already gotten into his squad car and was about to leave the scene but returned to address Ms. Warr when he learned that she too was a passenger. Because the events leading up to her detention in no way indicate a threat to any of the officers on the scene, Officer Jackson's statements to Ms. Warr's father about her behavior tends to indicate that he physically detained Ms. Warr not to secure the scene, but to teach this unruly teenager a lesson.

There were no exigent circumstances that necessitated the restraint of Ms. Warr by Officer Jackson, no threats to his person and no attempt by him or other officers on the scene to implement reasonable alternatives to verify Ms. Warr's identity. While the CLERB agrees that Officer Jackson's behavior did not necessarily constitute a violation of the policy on Curtesy, the officer in this case could certainly have used a little more

courtesy in his interaction with Ms. Warr as a “reasonable alternative”. The situation did not warrant the extreme force that Officer Jackson applied, whether it could be defined as a “chokehold” or not. As a group of citizens, looking at the facts and they plain meaning of the Memphis Police Department’s policies, we find that the behavior of Officer Jackson was in violation of the policy and recommend at the very least, that Officer Jackson be required to submit to an anger management training.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph White". The signature is fluid and cursive, with a large loop at the end.

Ralph White, Board Chair  
Civilian Law Enforcement Review Board (CLERB)

CC: Sharrita Warr c/o Shirley Warr  
Virginia Wilson, CLERB Administrator