

# INCREASING THE EFFECTIVENESS OF THE CIVILIAN LAW REVIEW BOARD



MEMPHIS UNITED  
MID-SOUTH PEACE AND JUSTICE CENTER

2015

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**Memphis United's Coalition partners:** ADAPT Tennessee, All Saints Church, The Bridge: Memphis' Street Newspaper, Comunidades Unidas en Una Voz, K'PreSha, LeMoyne-Owen College, L.O.U.D., M15, The Manna House, Memphis Center for Independent Living, Memphis Immigration Advocates, Memphis School of Servant Leadership Mid-South Peace & Justice Center, NAACP (CBU Chapter), National Lawyers Guild, Pax Christi USA (Memphis Chapter), Subliminal Thought, Tennessee Immigrant & Refugee Rights Coalition, and numerous passionate individuals motivated by a deep love and commitment to our community.

## Introduction:

The Civilian Law Enforcement Review Board (CLERB) was originally established in 1994 by ordinance of the Memphis City Council. However, it became evident that the CLERB did not have sufficient authority or resources to provide oversight. Memphis United, a grassroots coalition made up of numerous community groups and concerned individuals, originally formed in 2012 to address structural and systemic racism in the midst of the Ku Klux Klan's 2013 rally in Memphis. The coalition shifted their focus to the criminal justice system after a series of events raised public concern about transparency and accountability within MPD's complaint process. In 2014, it was discovered by members of the Memphis United Coalition, that CLERB had been inactive since 2011, in violation of city ordinance. In response, City Council approved a resolution allowing Memphis United to host a series of town hall meetings and conduct surveys to gain citizen input about how to improve the effectiveness of CLERB and the MPD complaint process.

Memphis United found that currently, CLERB relies solely upon the cooperation of Internal Affairs, with no autonomy or authority of its own. It can do nothing other than request information and make non-binding recommendations back to the Police Director. The board has no power to subpoena documents or records from MPD and officers involved in a complaint can refuse to participate with Board's review altogether. In order for CLERB to meet the need for a review process that is transparent and effective enough to satisfy public confidence, it must have the power to compel relevant documents, policies, and testimony from MPD. CLERB also needs adequate funding to conduct quality investigations with enough staff and support to ensure that each case reviewed by the board receives fair consideration. There are numerous barriers that prevent the public from engaging with the current processes in place for filing a complaint against a law enforcement official and obtaining documentation relevant to the complaint after the fact.

All complaints against officers should be consolidated in a single file, available by request. All complaints should be responded to and investigated in a timely manner. Complainants should be able to attend the disciplinary hearing of the officer s/he filed a complaint against. A civilian should be able to file a complaint without fear, or intimidation, 24 hours a day. Moreover, through its review of complaints, CLERB may identify systemic issues for which it could recommend policy-level solutions to both MPD and City Council.

Based on the community input received and a review of best practices identified by the National Agency for Civilian Oversight of Law Enforcement (NACOLE), a series of recommendations were created. We believe that the recommendations in this report reflect best practices for an effective citizen law enforcement review board and will ensure accountability of law enforcement and better meet the needs of our community.

## Summary

# Say YES to a more effective CLERB!

- ✓ Ensuring greater police accountability and a more transparent citizen complaint process



### Our citizen complaint process needs a makeover

Our current complaint process has proven to be unsatisfactory and ineffective. Through a series of public input meetings, community surveys, research of best practices, and review of our current law enforcement complaint process, we have determined that the following changes are necessary to create a more transparent and effective Citizen Law Enforcement Review Board (CLERB) and complaint process.

### The new, more effective CLERB:

1. Civilians have **multiple options for filing complaints**. Complaints may be filed at a local workstation, to the Internal Affairs Bureau (IAB) directly, or to CLERB offices directly. CLERB is notified and sent copies of all complaints that are filed, and CLERB also provides assistance free of charge to civilians seeking help with the complaint process.
2. CLERB and IAB will investigate all complaints in a **timely manner** and will promptly notify the complainants of receipt and outcomes of complaints. Complainants will also receive a notarized copy of all transcripts and documents related to their complaint(s) filed with Internal Affairs and/or the Civilian Law Enforcement Review Board at no cost.
3. CLERB may investigate incidents and complaints **concurrently** with IAB investigations.
4. CLERB may exercise **subpoena power** to gain access to important police witnesses and documents.
5. CLERB may identify needs for policy reform and make **policy recommendations** to the police director and City Council. These policy recommendations will be made available to the public on the CLERB website.
6. CLERB may make **disciplinary recommendations** to the Police Director following investigations. The Police Director must inform CLERB as to what disciplinary actions are taken, and CLERB will make this information publicly available on their website.
7. Board and staff **reflect community diversity** and are representative of the communities they serve.
8. CLERB will be **housed in its own offices**, separate from MPD facilities.
9. CLERB is **adequately funded** to conduct quality investigations with adequate staff and support.
10. In order to promote **transparency** and accountability, all CLERB hearings will be open to the public. Additionally, all public documents including policy recommendations, complaint outcomes, and disciplinary actions taken as a result of complaints will be published on the CLERB website.

- ✓ More Accountability means a more effective Law Enforcement and Safer Communities.

## *Background*

The concept of establishing civilian review boards to review police activity began in the 1950s and 1960s due to civilians' increasing and widespread dissatisfaction with the internal disciplinary procedures of police departments. Incidents of police violence on Black and Latina/o communities such as the 'Bloody Christmas of 51', the Watts Riots, and the violence against protesters during the Civil Rights movement sparked demand for independent oversight of law enforcement.<sup>1</sup> Many in the community doubted that complaints regarding abusive police conduct were being seriously considered. Police efforts to investigate allegations of abuse amongst their peers were seen as cursory at best; and in some cases, it was believed that officers' abuses were covered up outright. In response to this unrest, municipalities across the country determined that investigations of citizen complaints would be most effectively and transparently conducted by people who are not sworn officers. By the end of 1997, despite substantial resistance from local police departments in every instance, civilian review systems existed in more than 75 percent of the nation's largest cities, including Memphis, Tennessee.<sup>2</sup>

Establishment of civilian review in and of itself, however, has never been sufficient to ensure that the goals of investigating and addressing alleged police misconduct are consistently met. Ongoing advocacy from the community has been critical to maintaining healthy and effective operations, to prevent deterioration of review boards' authority and to overcome lingering and embedded resistance from law enforcement and officials.

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<sup>1</sup> "Enforcing police accountability through civilian oversight." SAGE publishing. 2010.

<sup>2</sup> "Fighting Police Abuse: A Community Action Manual" ACLU, Dec. 1 1997.

## History of Memphis Civilian Law Enforcement Review Board

Often, mechanisms of police oversight only come into existence following high-profile cases of police misconduct (usually a shooting or other physical force incident). Given that victims are overwhelmingly people of color and the officers white, racial discrimination undoubtedly plays a role in these cases.

In September of 1967, the Tennessee Advisory Committee to the U.S. Commission on Civil Rights urged Memphis lawmakers to create an independent civilian law enforcement review board to address “allegations of police brutality and police misconduct” and the overall “sad state of disrepair” between police and communities of color.<sup>3</sup> No such board was established.

Fast forward just four years later to Friday October 15<sup>th</sup>, 1971: the tragic night of seventeen-year-old Elton Hayes’ death “at the hands of the Memphis Police Department.”<sup>4</sup>

Poor Black communities had long endured psychological and physical abuse at the hands of the Memphis Police Department, but the death of Elton Hayes and subsequent debacle of the criminal justice system “proved to be the breaking point in the black community’s battle against police brutality.”<sup>5</sup>

According to the police report, Hayes died from being “thrown from the truck” his friend was driving while taking a turn at an excessively high speed.<sup>6</sup> However, eyewitness reports and a subsequent finding by the Attorney General ruled that Hayes’ death was a homicide, the result of a brutal beating from police.<sup>7</sup>

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<sup>3</sup> “Civilian Review Board proposed by Rights Group.” *Memphis World*, September 23, 1967.

<sup>4</sup> Shirletta Kinchen, *“We Want What People Generally Refer to as Black Power”: Youth and Student Activism and the Impact of the Black Power Movement in Memphis, Tennessee, 1965-1975* (Dissertation for Degree of Doctor in Philosophy, University of Memphis, 2011), 261.

<sup>5</sup> “Blame Targeted In Hayes Case.” *Press-Scimitar*, May 10, 1975

<sup>6</sup> Beating Hinted In ‘Crash’ Death,” *Memphis Commercial Appeal*, October 17, 1971.”

<sup>7</sup> Kinchen, 261

Four years after Hayes' death, "[t]hree Shelby County sheriff's deputies and a police patrolmen were indicted for the murder" and "four other police patrolmen were indicted for assault to murder...all were acquitted"<sup>8</sup>

Riots ensued in Memphis, the likes of which had not been seen since the race riots of 1866. City officials' response was shortsighted and convoluted, arbitrarily issuing and rescinding curfews that only served to further disorient and frustrate Black communities.<sup>9</sup>

From this turmoil, various community organizations began to organize and demand greater community control and oversight of police. We the People, a socialist-humanist grassroots organization founded by former Invader Lance "Sweet Willie Wine" Watson, led a campaign demanding the establishment of a civilian law enforcement review board. Despite extensive deliberation in City Council and ongoing public pressure,<sup>10</sup> a CLERB would not be instituted for another twenty-three years, catalyzed by yet another tragedy.

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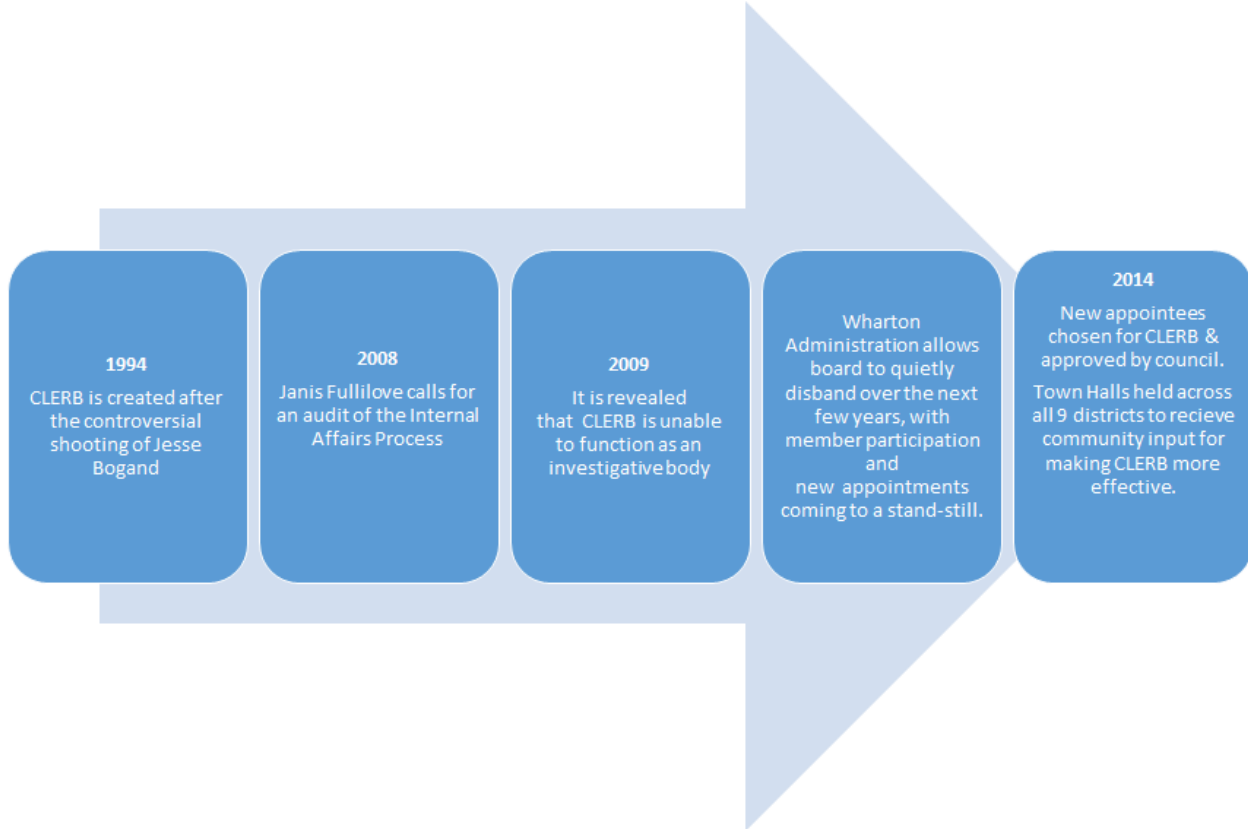
<sup>8</sup> Hamilton, Roy. "Evidence in Hayes Case Given FBI In Washington." *Memphis Press-Scimitar*, October 28, 1971.

<sup>9</sup> "Curfew Canceled On Blacks' Plea; Incidents Continue." *Commercial Appeal*, October 21, 1971."

<sup>10</sup> "City Officials Promise at 'Rap' Session to Consider Police-Community Council." *Memphis Press-Scimitar*, October 23, 1971; Porteous, Clark. "Five Councilmen Appointed to Study Police Issue." *Memphis Press-Scimitar*, October 27, 1971



## Recent History



In 1994, the shooting of 68-year-old Jesse Bogand, a resident of Orange Mound, once again sparked outrage in poor, Black, over-policed communities. Protests regarding this and similar incidents compelled the Memphis City Council to create the Civilian Law Enforcement Review Board (CLERB) -- an independent, civilian-led, non-police board -- charged with investigating allegations of misconduct and complaints filed against Memphis Police Officers.

*"The citizens' law enforcement review board shall receive, cause investigation of, and recommend resolution of complaints filed with it alleging misconduct by members of the Memphis Police Department and the Shelby County Sheriff's Department, when such misconduct is directed toward any person who is not a member of that police force or sheriff's department."*<sup>11</sup>

CLERB would essentially function as an appellate process to MPD Internal Affairs investigations and have the power to receive, investigate, hear cases, make findings and recommend action

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<sup>11</sup> (Code 1985, § 28-154; Ord. No. 4285, § 1, 10-25-1994, Sec. 2-52-4. Purpose, powers and duties.)"

on complaints of specific types of police misconduct (**see below**). However, the Board was never granted the authority to effectively address these issues.

Cases Eligible for CLERB	
<b>FORCE:</b>	The use or threatened use of improper, unnecessary or excessive force by a member of the Memphis Police Department or the Shelby County Sheriff's Department.
<b>ARREST:</b>	The restraint of a person's liberty was improper or unjustified.
<b>ENTRY:</b>	Entry into building or onto property was improper, to include excessive force being used against property in order to gain entry.
<b>SEARCH:</b>	The search of a person or their property was improper, in violation of established police procedures or unjustified.
<b>HARASSMENT:</b>	The taking of police action which was predicated upon factors which are irrelevant, under the circumstance, to good law enforcement decision making.
<b>DEMEANOR:</b>	Improper actions regarding an officer's bearing, gestures, language or other action which allegedly is offensive or of doubtful social propriety.
<b>PROCEDURES:</b>	Allegation of other actions which are in violation of departmental rules, procedures, or policies.
<b>SERVICE:</b>	The lack or inadequacy of police service.
<b>PROPERTY:</b>	Property lost or damaged while in police custody or confiscated through police action.

## Reinstatement of CLERB

A string of recent incidents helped shed new light on systemic barriers in the process of filing a complaint when a civilian has an incident with a law enforcement official. In November of 2012, several members of HOPE (Homeless Organizing for Power & Equality) were stopped and detained by officers while attempting to depart a regular weekly meeting held at the Manna House on Jefferson Ave. The group had met to discuss the struggles of people experiencing homelessness and were attempting to lock the gates and bid one another farewell, when squad cars pulled up. Two officers approached the small group and demanded to know what they were doing on “his sidewalk.” Although the group had keys to the property and permission to use the space weekly, three members were cited for obstruction of a sidewalk. Charges were dropped, and an Internal Affairs process that took *nine months*, yielded dissatisfactory results to the complainants.

On October 21st, 2013 another incident occurred at the Manna House.<sup>12</sup> Officers were attempting to enter the property during a Monday night meal and worship service without a warrant. Officers were told by staff that they were not permitted on the private property without a warrant, but they ignored this and proceeded to the back of the property. When two civilians exercised their right to film officers, their phones were confiscated and they were arrested and charged with obstruction of a sidewalk & disorderly conduct. Once again, charges were dropped and complaints were filed the following day with IAB. It took *six months* to receive a reply by mail in April, that was dated January on the

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<sup>12</sup> “Men Accuse Officers Of Harassment Over Cellphone Video” WREG Memphis; Nov 4, 2013.

heading letter, indicating that it took 4 months to mail. The letter stated that the complaints against the officers, were “*not sustained.*” Officials with the Inspectional Services Bureau told organizers that this was because MPD didn’t have a policy on filming in place at the time of the incident. This is contrary to statements made by Police Director Toney Armstrong, in a Dec 2013, WREG interview with, Candace Mccowan.

*“We’ve actually re-written that policy and we feel like going forward our department is going to be more informed and that’s certainly going to be a violation of our policy. As long as someone is doing it legally it’s not within the scope of our authority to take those devices from them,”*<sup>13</sup>

When complainants attempted to appeal the findings of IAB’s investigation, it was discovered that the Civilian Law Enforcement Review Board (CLERB), set up to review IAB investigations when complainants were dissatisfied, had long since been inactive despite its creation by City Council in 1994. In fact, the board was completely vacant, having no appointed members whatsoever..<sup>14</sup>

The City’s Web-Site still listed a description of the process for filing a complaint through CLERB, as well as a hot-line. However, the number either went to an unaffiliated person in the City of Memphis' Legal Department, or to a generic voicemail, where messages left went unreturned. Even when CLERB was operational, they were a powerless board with no subpoena power and officers’ involvement in the investigation was purely voluntary.

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<sup>13</sup> “Group Gets Run-Around On MPD Cell Phone Policy” WREG Memphis; Dec 18, 2013.

<sup>14</sup> “ Does The Civilian Law Enforcement Review Board Exist?” Local 24 Memphis; April 01, 2014.

Days later, another incident involving the arrest of people for filming police occurred at K'PreSha Boutique on South Main, when police began pepper spraying young men and women at a Hip Hop Show during the downtown Trolley Night.<sup>15</sup> These events sparked the reignition of Memphis United, a coalition made up of individuals and community organizations who pressured MPD to release their current policy on filming officers.<sup>16</sup> The coalition drafted a list of demands for different city officials aimed at creating greater transparency and accountability of law enforcement to the community. Among these asks was a proposed resolution for Memphis United and the members of the City Council to jointly host public input forums in every Council District to determine the scope and powers of what a reformed CLERB might look like. The resolution went before the Public Safety Committee of the Memphis City Council, sponsored by Janis Fullilove, Wanda Halbert and Lee Harris, and passed in May of 2014. In June of 2014, the Memphis City Council voted to appoint new members to the vacant board and by December of 2014, the Mayor described the board saying, "It is fully active."

Nevertheless, in its first six months of reinstatement, CLERB has not reviewed a single case. This is not due to lack of complaints, but rather a lack of power. Current board members have expressed numerous concerns with CLERB's powers - or lack thereof - and have echoed many of the recommendations being made in this report. Indeed, Pastor Ralph White, who served on CLERB before its dissolution and continues to serve on it today, has publicly called for the power to mandate officers' cooperation and to subpoena records from MPD.

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<sup>15</sup> "Hip-Hop Artists Say Police Victimized Them" WREG Memphis; Oct. 28, 2013.

<sup>16</sup> <https://www.documentcloud.org/documents/964020-memphis-police-public-recordings-policy.html>

Having been charged by the Council to bring information and recommendations regarding the reform of the Civilian Law Enforcement Review Board, it is the opinion of Memphis United that CLERB be given the powers enumerated in this report; including, but not limited to: the power to compel documents and participation from MPD officials, the power to make policy recommendations to MPD, and a more consolidated and transparent system of filing and tracking complaints filed against officers by civilians.

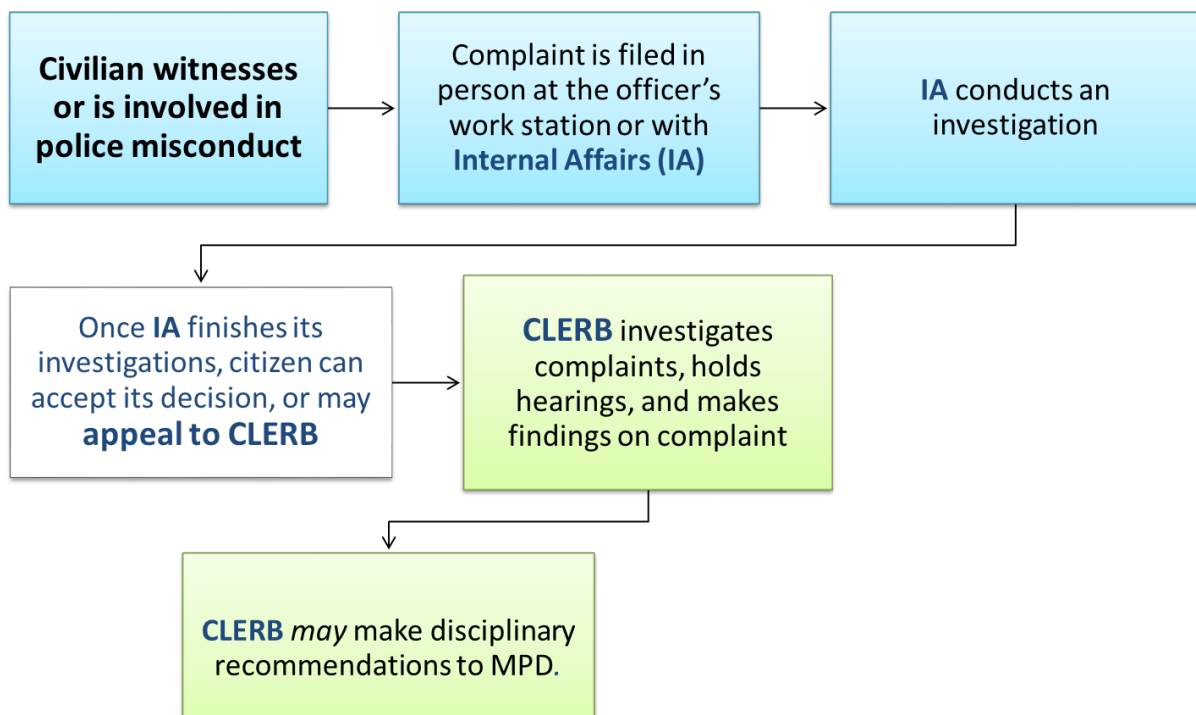
## How CLERB Works

The current model for Memphis' CLERB consists of at least nine members appointed by the Mayor and approved by City Council.

*The established board shall meet at least once per quarter ... Meetings and hearings will be open to the public with proper public notification... The board shall cause a proper record to be kept of its proceedings which shall contain the final disposition of each case, the vote of each member, the absence of any member, and the failure of any member to vote. Written notice of any meeting of the board shall be given to members and the public at least 24 hours prior to the date set for meeting.*

*(Code 1985, § 28-154; Ord. No. 4285, § 1, 10-25-1994, Sec. 2-52-5B. Rules and regulations.)*

## The Process



## Challenges

In 2008, 14 years after CLERB was established, video evidence emerged capturing the savage beating of Duanna Johnson, a transgender woman, in custody at the time, by MPD officers.<sup>17</sup>

This prompted Memphis City Councilwoman Janis Fullilove to introduce a resolution calling for an audit of all MPD Internal Affairs and CLERB procedures. This audit, presented to the Council in 2009, illuminated a number of systemic flaws that render CLERB unable to function as a proper independent investigative agency. The audit noted that during the course of their engagement, they heard the comment that the CLERB has “no teeth or authority to effectuate change.” The audit also notes that the

Memphis CLERB does not have direct subpoena powers, or any real punitive authority. “The Memphis CLERB does not have the authority to overrule, reverse, or

[the current] CLERB has  
“no teeth or authority  
to effectuate change.”

modify the outcome of an investigation such as sustained, unfounded, not sustained, or exonerated.” The CLERB can only make “non-binding recommendations to the Police Director.” The audit recommends that “the City Administration and Council should decide the purpose of the CLERB and subsequently provide the Board structure and resources to accomplish the stated mission,”<sup>18</sup> noting however, that currently the board lacks the human and financial resources to fully complete a legal review of the CLERB’s legal authority.

Subsequently, Councilwoman Fullilove introduced a second resolution calling for the creation of an ad-hoc committee to bring recommendations regarding CLERB. However, it was never convened by the Mayor’s Office.

In 2012, it became apparent that without notice either to the general public or to Memphis City Council, the Wharton administration had effectively disbanded CLERB. Unaware, the Memphis City Council continued to assign a liaison to CLERB, and allocated funding for CLERB for two years.

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<sup>17</sup> “Murder of Transgender Woman Revives Scrutiny” New York Times; Nov. 17, 2008.

<sup>18</sup> “Civilian Complaint Process Special Investigation” Police Services Division, Memphis; Dec. 11, 2008.



## Effective Civilian Law Enforcement Review

While the Civilian Law Enforcement Review Board has now been re-established, an examination of CLERB policies and operating procedures revealed several factors that contribute to the ineffectiveness of the current system:

- Complainants are restricted to making complaints in person during limited hours. There are no policies in place to ensure that complainants receive timely communications throughout the process.
- There is not easily accessible documentation clarifying the CLERB's specific powers, or the investigative processes that the complainant can expect, online nor elsewhere.
- Complainants can only hear a case before the CLERB after navigating the entire Internal Affairs complaint process, which was found to have excessive barriers.
- CLERB is not able to conduct its own independent (or parallel to police internal affairs) investigation of citizen complaints
- Complainants are not permitted to give further input after initial statement has been taken, even if it is relevant to the investigation.
- CLERB does not conduct its own hearing (calling of complainant, police officer, and other witnesses before the board) prior to dispositions to resolve the complaints.
- Complainants cannot be present during disciplinary hearings.
- CLERB does not have the authority to subpoena documents or records from MPD.
- CLERB cannot compel Officers' cooperation with their reviews and investigations.
- CLERB does not have the authority to prescribe any disciplinary action against an officer.
- CLERB does not have authority to overrule, reverse, change, or modify any investigative outcome made by MPD.
- CLERB recommendations to the Police Director following review are non-binding.

The degree to which residents in participate in overseeing local law enforcement agencies in communities in the United States varies.<sup>19</sup> The most active citizen oversight boards investigate

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<sup>19</sup> The National Association for Civilian Oversight of Law Enforcement (NACOLE) - See more at: <http://nacole.org/>

allegations of police misconduct and recommend actions to the chief or sheriff. Other citizen boards review the findings of internal police investigations and recommend that the chief or sheriff approve or reject the findings. In others still, an auditor investigates the process by which the police or sheriff's department accept or investigate complaints and reports to the department and the public on the thoroughness and fairness of the process. Determining the proper role for civilian oversight boards in which they can effectively temper police discretion and self-government is complex. No one system works best for everyone.

## Types of Civilian Oversight

Each system has advantages and drawbacks. Whatever their specific advantages, any type of citizen oversight needs to be part of a larger structure of internal and external police accountability; citizen oversight alone cannot ensure that police will act responsibly.



## Public Outreach Methods

The public input process to evaluate the community's interest in re-establishment and reformation of the Civilian Law Enforcement Review board was conducted by Mid-South Peace and Justice Center, a grassroots organization dedicated to engaging, organizing and mobilizing communities to realize social justice through nonviolent action, and the grassroots coalition, Memphis United.

Outreach included:

- Door-to-door canvassing of 2,700 voters
- Phone-banking of 4,000 voters
- Town hall meetings in each of the nine City Council districts
- An online survey administered via email

Door to door canvassing and phone-banking were done prior to town hall meetings in the district of that meeting location in order to inform residents of the upcoming meeting and to gather names for the petition to pass an ordinance to improve and reinstate CLERB. Names, addresses and phone numbers for door-knocking and phone banking were obtained from a list of registered voters in the City of Memphis. As a follow-up, those who signed the petition were emailed an electronic survey which included questions related to public safety concerns, experiences with the Memphis Police Department, and feedback as to how CLERB should be re-organized for greater efficiency and transparency. This same survey was administered in paper form during each of the town hall forums.

In an effort to work with the Council and provide as many opportunities for public input as possible, town hall meetings were held in each of the seven districts, and additionally in each super district at the following dates and locations:

- Tue Jun 24, 2014, Lewis Davis CME Church, Super District 8
- Thur July 10, 2014, Lester Community Center, District 5
- Mon July 14, 2014, Marion Hale Community Center, District 2

- Thur July 17, 2014, Raleigh/Frayser Community Center, District 7
- Tue July 22, 2014, J.K Lewis Senior Center, District 6
- Thur July 24, 2014, Whitehaven Community Center, District 3
- Mon July 28, 2014, Orange Mound Community, District 4
- Mon August 4, 2014, Frayser/Raleigh Senior Center, District 9
- Mon August 11, 2014 Cunningham Community Center, District 1

The town hall meetings consisted of a presentation defining and describing the purpose of CLERB, followed by an opportunity for group discussion to ask questions and share ideas about how to make the complaint process and CLERB more effective and transparent to the public. The group discussion was centered around a set of questions, which are listed below. A copy of the full survey can be found at the end of this report under Appendix I.

### Town Hall Discussion Questions

1. What do you think the process of filing a complaint should look like?
2. How much CLERB & civilian interaction would you like to see when it comes to enacting new policies within the Memphis Police Department?
3. How would YOU like CLERB to inform you of cases in progress, and the findings or resulting actions of investigations?
4. Should CLERB be limited to only investigating closed cases conducted by Internal Affairs, or should they be able to investigate current cases not yet resolved?
5. What kind of authority should CLERB have when it comes to obtaining evidence during an investigation?
6. Should CLERB be able to recommend policy changes to the Memphis Police Department, and to what extent should CLERB's authority extend when delegating judgments on specific cases?

## *Town Hall Responses*

### 1. What do you think the process of filing a complaint should look like?

#### Most prevalent responses:

- **Need earlier involvement and oversight from CLERB.** Complaints should either be made through CLERB first or simultaneously to CLERB and ISB to improve transparency, impartiality, security and external oversight from the beginning of every filing
- **Need greater accessibility.** There should be multiple options for how and where to file complaints, in person, online, multiple language options, and that filing assistance should be available for those who have literacy issues
- **The complaint process should be easier to understand** and have more communication and guidance and for the complainant
- **Better communication and follow up is needed throughout the process.**
- **Other responses**

The officer whom complaint is against should be required to be present at hearing.

You should be able to file an official complaint anonymously if you want.

### 2. How much CLERB & civilian interaction would you like to see when it comes to enacting new policies within the Memphis Police Department?

#### Most prevalent responses:

- All MPD policies should be made public.
- At some level CLERB should be engaged in policy-making to protect public interests
- Interactions between CLERB, civilians and law enforcement regarding policies should occur at regular intervals

### 3. How would YOU like CLERB to inform you of cases in progress, and the findings or resulting actions of investigations?

#### Most prevalent response:

- There should be multiple modes of communication, including phone, email, and mail between CLERB and complainants regarding investigations

4. Should CLERB be limited to only investigating closed cases conducted by Internal Affairs, or should they be able to investigate current cases not yet resolved?

**Most prevalent response:**

- CLERB should be permitted to investigate cases, even if they are being actively investigated by ISB
5. What kind of authority should CLERB have when it comes to obtaining evidence during an investigation?

**Most prevalent response:**

- CLERB should have more substantial authority to obtain evidence, such as subpoena power
6. Should CLERB be able to recommend policy changes to the Memphis Police Department, and to what extent should CLERB's authority extend when delegating judgments on specific cases?

**Most prevalent response:**

- CLERB should be able to recommend policy changes and making binding recommendations regarding judgments on specific cases

## Survey Questions

1. How often are the following circumstances true of the Memphis / Police Department in your neighborhood?
  - Do you receive a **TIMELY** or **QUICK** response to your public safety concerns?
  - Do you receive a **CAREFUL** and **COMPLETE** response to your public safety concerns?
  - Is it easy to follow up on police reports?
  - Are officers who respond to public safety concerns **FRIENDLY**?
  - Are officers who respond to public safety concerns **FAIR**?
  - Are officers who respond to public safety concerns **SENSITIVE**?
2. Have you ever filed a complaint against a Memphis City Police / officer?
3. If you have filed a complaint against a Memphis City Police office, / how satisfied were you with the complaint process?
4. Have you heard about the Civilian Law Enforcement Review Board / (CLERB) in Memphis?
5. If you have ever attempted to contact the Memphis CLERB, please / describe your experience below:
6. Please tell us, in your own words, any specific components you / think the CLERB of Memphis should include.

## Survey Responses

How often are the following circumstances true of the Memphis / Police Department in your neighborhood?

1. **Do you receive a TIMELY or QUICK response to your public safety concerns?**
  - Always (26)
  - Sometimes (68)
  - Never (14)
  - Don't Know/No Opinion (15)
2. **Do you receive a CAREFUL and COMPLETE response to your public safety concerns?**



Always (21)  
Sometimes (68)  
Never (16)  
Don't Know/No Opinion (18)

**3. Is it easy to follow up on police reports?**

Always (21)  
Sometimes (41)  
Never (28)  
Don't Know/No Opinion (31)

**4. Are officers who respond to public safety concerns FRIENDLY?**

Always (35)  
Sometimes (62)  
Never (12)  
Don't Know/No Opinion (13)

**5. Are officers who respond to public safety concerns FAIR?**

Always (27)  
Sometimes (63)  
Never (9)  
No Opinion (23)

**6. Are officers who respond to public safety concerns SENSITIVE?**

Always (18)  
Sometimes (66)  
Never (14)  
No Opinion (21)

**7. Have you heard about the Civilian Law Enforcement Review Board / (CLERB) in Memphis?**

Yes (63)  
No (47)

## Recommendations

Based on public comments received through surveys and the town hall meetings, best practices from police oversight, and facilitated conversations held between civilians and law enforcement, Memphis United makes the following recommendations to improve the effectiveness of CLERB and the complaint process generally.

1. Civilians have **multiple options for filing complaints**. Complaints may be filed at a local workstation, to the Internal Affairs Bureau (IAB) directly, or to CLERB offices directly. CLERB is notified and sent copies of all complaints that are filed, and CLERB also provides assistance free of charge to civilians seeking help with the complaint process.
2. CLERB and IAB will investigate all complaints in a **timely manner** and will promptly notify the complainants of receipt and outcomes of complaints. Complainants will also receive a notarized copy of all transcripts and documents related to their complaint(s) filed with Internal Affairs and/or the Civilian Law Enforcement Review Board at no cost.
3. CLERB may investigate incidents and complaints **concurrently** with IAB investigations.
4. CLERB may exercise **subpoena power** to gain access to important police witnesses and documents.
5. CLERB may identify needs for policy reform and make **policy recommendations** to the police director. These policy recommendations will be made available to the public on the CLERB website.
6. CLERB may make **disciplinary recommendations** to the Police Director following investigations. The Police Director must inform CLERB as to what disciplinary actions are taken, and CLERB will make this information publicly available on their website.
7. Board and staff **reflect community diversity** and are representative of the communities they serve.
8. CLERB will be **housed in its own offices**, separate from MPD facilities.
9. CLERB is **adequately funded** to conduct quality investigations with adequate staff and support.
10. In order to promote **transparency** and accountability, all CLERB hearings will be open to the public. Additionally, all public documents including policy recommendations, complaint outcomes, and disciplinary actions taken as a result of complaints will be published on the CLERB website.

## Memphis United - Civilian Law Enforcement Review Board Survey

The purpose of this survey is to ask community members for feedback on potential models for the re-instated Civilian Law Enforcement Review Board (CLERB). Memphis United of the Mid-South Peace and Justice Center is conducting this survey. The results of this survey will go into a report that Memphis United will present to the Memphis City Council in Fall 2014. This survey will ask you about:

- Public safety concerns in your neighborhood
- Your experiences with the Memphis Police Department
- Your opinions on how the CLERB should be reorganized and made more efficient

YOU WILL NOT BE ASKED TO GIVE YOUR NAME ON THIS SURVEY AND YOUR PERSONAL RESPONSES WILL BE KEPT CONFIDENTIAL. The results of this survey will be compiled into a report that will be publicly available by Fall 2014.

For more information on this research, please contact:

Marquita Bradshaw MSPJC Organizing Coordinator of Memphis United  
marquita@midssouthpeace.org or 901-725-4990

1. How old are you?

- ☐ Under 18 years old    ☐ 18 to 20 years old  
☐ 21 to 29 years old    ☐ 30 to 49 years old  
☐ 50 to 64 years old    ☐ 65 or older

2. What is your gender identity?

- ☐ Female                      ☐ Transgender female  
☐ Male                         ☐ Transgender male  
☐ Enter another choice here: \_\_\_\_\_

3. How do you identify your race and/or ethnicity? Please check all that apply.

- ☐ African American                      ☐ Latino/a                      ☐ Native American  
☐ White (non-Latino/a)                      ☐ Asian  
☐ Enter any other choices here: \_\_\_\_\_

4. What is your current zip code? \_\_\_\_\_

5. What neighborhood do you live in? \_\_\_\_\_

6. How often are the following circumstances true of the Memphis Police Department in your neighborhood?

	<b>Always</b>	<b>Sometimes</b>	<b>Never</b>
Do you receive a TIMELY or QUICK response to your public safety concerns?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you receive a CAREFUL and COMPLETE response to your public safety concerns?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Is it easy to follow up on police reports?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are officers who respond to public safety concerns in your neighborhood FRIENDLY?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are officers who respond to public safety concerns in your neighborhood FAIR?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Are officers who respond to public safety concerns in your neighborhood SENSITIVE?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. Have you ever attended public meetings related to law enforcement in Memphis?

- ☐ No  
☐ Yes

If yes, what type of meeting(s) have you attended?

\_\_\_\_\_

8. Please choose all that apply to you:

- ☐ Citizen ☐ Non-citizen ☐ Immigrant ☐ Non-immigrant

9. Have you ever worked for a law enforcement agency?

- ☐ Yes, I currently work for a law enforcement agency.
- ☐ Yes, I have worked for a law enforcement agency in the past.
- ☐ No, I have never worked for a law enforcement agency.

10. How much of a problem, if at all, are these issues in your neighborhood?

	<b>Not a Problem</b>	<b>Moderate Problem</b>	<b>Serious Problem that Disrupts my Quality of Life</b>
Gun Violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Gangs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Drug-related problems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traffic violations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Theft from cars	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Theft from houses / apartments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Theft from businesses	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prostitution	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Truancy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Noise violations	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Personal Assaults	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Trespassing	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sexual assault	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

11. Have you ever filed a complaint against a Memphis City Police officer?

- ☐ No
- ☐ Yes

12. If you have filed a complaint against a Memphis City Police office, how satisfied were you with the complaint process?

- ☐ Satisfied, and Why:
- ☐ Neutral, and Why:
- ☐ Dissatisfied, and Why:

13. Have you heard about the Civilian Law Enforcement Review Board (CLERB) in Memphis?

- ☐ Yes
- ☐ No

14. If you have ever attempted to contact the Memphis CLERB, please describe your experience below.

15. Please tell us, in your own words, any specific components you think the Memphis CLERB should include.

## References- *In Order Of Appearance*

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“Group Gets Run-Around On MPD Cell Phone Policy” WREG Memphis; Dec 18, 2013.

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“ Does The Civilian Law Enforcement Review Board Exist?” Local 24 Memphis; April 01, 2014.

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“Hip-Hop Artists Say Police Victimized Them” WREG Memphis; Oct. 28, 2013.

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<https://www.documentcloud.org/documents/964020-memphis-police-public-recordings-policy.html>

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“Murder of Transgender Woman Revives Scrutiny” New York Times; Nov. 17, 2008.

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“Civilian Complaint Process Special Investigation” Police Services Division, Memphis; Dec. 11, 2008.

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The National Association for Civilian Oversight of Law Enforcement (NACOLE) - See more at: <http://nacole.org/>



