

CITY OF MEMPHIS

COUNCIL EXECUTIVE SESSION

Tuesday, June 9, 2020, 1:00 p.m.

SUPPORTING DOCUMENTS

ITEM #	DESCRIPTION	PAGE #
1.	Ordinance amending the Memphis Code of Ordinance relative to requirements for persons to wear facial coverings or masks while present in businesses and public places within the City of Memphis during public health emergencies. Sponsored by Jeff Warren and Michalyn Easter-Thomas	1
2.	Resolution to increase transparency of complaint process and encourage supplemental reporting for the Memphis Police Department. Sponsored by J B Smiley, Jr.	2
3.	Joint Resolution of the Memphis City Council and Shelby County Board of Commissioners requesting that the Memphis Police Department and Shelby County Sheriff adopt “8 Can’t Wait” use of force reduction policies. Sponsored by Michalyn Easter-Thomas, Martavius Jones, and J B Smiley, Jr.	3
4.	Resolution encouraging the administration to ban the use of chokeholds by public safety officers and create a method for officers to report the use chokeholds. Sponsored Martavius Jones	6
5.	Resolution requesting that Mayor Strickland to form a community task force to assist in the selection of a new MPD Director. Sponsored by Michalyn Easter-Thomas	7

**DOCUMENTS FOR ITEM 1 HAD NOT BEEN PROVIDED AT THE TIME OF
PUBLICATION OF THE EXECUTIVE SESSION MEETING SCHEDULE**

Resolution to increase transparency of complaint process and encourage supplemental reporting for the Memphis Police Department.

WHEREAS, the Memphis City Council is committed to creating policy changes to protecting all citizens and ensuring transparency across all divisions of City Government; and

WHEREAS, the policies reducing violent interactions with police outlined in the “8 Can’t Wait” are a priority for this council; and

WHEREAS, the Memphis City Council believes that public trust and confidence in the fair and efficient operation of public safety is vital to the success of this city and believes that public access to complaints of excessive force can provide important procedural safeguards for citizens and public safety officers; and

WHEREAS, citizens have expressed frustration with the current public information policies and costs related to complaints of excessive force; and

WHEREAS, the City of Memphis has created data portals at data.memphistn.gov for citizens to track 311 service requests, capital improvement projects, civic assets, and crime; and

WHEREAS, larger law enforcement agencies including Chicago Police Department have created public portals to allow citizens free access to vital public safety records including excessive force complaints and misuse of body worn cameras to increase the public’s trust in our law enforcement agencies.

NOW, THEREFORE BE IT RESOLVED by the Memphis City Council that the Public Safety data portal be expanded to include all complaints of excessive force and misuse of body work cameras outlining the details of each complaint and a timeline for the investigation of the complaint.

THEREFORE, BE IT FURTHER RESOLVED that the Memphis City Council requests the administration to research the feasibility of expanding the portal to include Public Safety excessive force complaints and misuse of body worn cameras and report its findings to this body by July 30, 2020.

Sponsors:
J B Smiley, Jr.

Patrice J. Robinson,
Chairwoman

Joint Resolution of the Memphis City Council and Shelby County Board of Commissioners requesting that the Memphis Police Department and Shelby County Sheriff adopt “8 Can’t Wait” use of force reduction policies.

WHEREAS, violence against minorities, especially black people, by certain segments of the population has been a longstanding practice in the United States; and

WHEREAS, the Civil Rights Act of 1964 was adopted to curtail the violent, racist state-sanctioned antics against minorities who are unfairly targeted by authorities in the criminal justice system throughout this country; and

WHEREAS, minorities, not only in history, but in our time, have been devalued and dehumanized by authorities in the criminal justice system; and

WHEREAS, on May 25, 2020, the murder of another unarmed black man, George Floyd, while in police custody, has caused protestors across the country to protest his death and the ongoing systemic racism that appears to be woven into the fabric of the criminal justice system in the United States; and

WHEREAS, all Americans should consider it their call of duty to combat racism, both unconscious and conscious, throughout our communities and within the criminal justice system; and

WHEREAS, Campaign Zero, an anti-police brutality advocacy group, devised eight (8) policies, also referred to as “8 Can’t Wait” principals, for law enforcement agencies to implement to reduce and prevent violent encounters with criminal suspects and members of the public in general, e.g., civil protesters. According to Campaign Zero, “[r]esearch [from a 2016 study] shows more restrictive use of force policies can reduce killings by police [by up to 72%] and save lives.”¹ More specifically, the ‘#8cantwait’ recommended policies are: 1) ban chokeholds and strangleholds, 2) require de-escalation, 3) require warning before shooting, 4) exhaust all alternatives before shooting, 5) duty to intervene and stop excessive force by other officers, 6) ban shooting at moving vehicles, 7) require use-of-force continuum, and 8) require comprehensive

¹ “A Project by Campaign Zero.” <https://8cantwait.org/> (Retrieved on June 7, 2020).

reporting each time an officer uses force or threatens to do so; and

WHEREAS, the campaign for the 8 Can't Wait principals has gained traction across the United States and several cities, like the City of Pittsburgh,² Carlsbad Police Department,³ Tampa Police Department,⁴ to name a few, are embracing the program; and

WHEREAS, the Memphis City Council and Shelby County Board of Commissioners call upon the Memphis Police Department, Shelby County Sheriff's Office, and other law enforcement agencies in Tennessee to revisit their use of force policies and form deep, meaningful, year-round relationships with local communities and their leaders to better understand the issues that impact their neighborhoods and perceptions about those charged with protecting and serving said communities.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council and Shelby County Board of Commissioner hereby request that the Memphis Police Department and Shelby County Sheriff's Office adopt the '8 can't wait' principals to reduce and prevent violent encounters with criminal suspects and members of the public in general.

THEREFORE, BE IT FURTHER RESOLVED, that Campaign Zero's research shows that the Memphis Police Department already uses three (3) of the eight (8) recommended policies, i.e., "...Requires Warning Before Shooting, Requires Exhaust All Alternatives Before Shooting... and Has Use of Force Continuum...", and Memphis City Council and the Board of Shelby County Commissioners hereby request that MPD adopts all eight (8) policies to reduce the number of violent encounters with citizens.

THEREFORE, BE IT FURTHER RESOLVED, that the Memphis City Council requests that after review, the Memphis Police Department creates an updated Policies and

² Wadas, A. "City Of Pittsburgh Embracing '8 Can't Wait' Campaign Aimed At Reducing Police Violence." <https://pittsburgh.cbslocal.com/2020/06/04/pittsburgh-8-cant-wait-reducing-police-violence>. (Retrieved on June 7, 2020).

³ "Carlsbad Police adopt '8 Can't Wait' force-reduction policies." <https://kusi.com/carlsbad-police-adopt-8-cant-wait-force-reduction-policies/> (Retrieved on June 7, 2020).

⁴ Gomez, G. "Tampa Police Department to adopt '8 can't wait' initiative after week of clashes with protesters." <https://www.fox13news.com/news/tampa-police-department-to-adopt-8-cant-wait-initiative-after--week-of-clashes-with-protesters> (Retrieved on June 7, 2020)

Procedures Manual reflecting any adopted “8 Can’t Wait” Use of Force policy recommendations.

Sponsors:

Michalyn Easter-Thomas

Martavius Jones

J B Smiley, Jr.

Dr. Jeff Warren

Patrice J. Robinson,

Chairwoman

Resolution encouraging the administration to ban the use of chokeholds by public safety officers and create a method for officers to report the use chokeholds. Sponsored by Martavius Jones.

WHEREAS, the Memphis City Council aims to be responsive to the needs of its citizenry and is aware of the civil unrest unfolding in our city; and

WHEREAS, this Council is tasked with balancing community demands for officer accountability and the public safety needs of our communities; and

WHEREAS, the Memphis Police Department has no policy that allows for a knee to be placed on the neck of any individual requires that that an ambulance must be called if an arrestee requests medical assistance; and

WHEREAS, including a ban on chokeholds and to prohibit the use of all neck restraints or choke holds for any reason; and

WHEREAS, MPD leadership has stated that “if an officer has placed someone in a position of duress, it is also the obligation of all the officers and the citizens of Memphis to intervene and make sure that we are protecting those individuals;” and

WHEREAS, placing the burden of reporting on citizens may put them at risk in an already elevated situation; and

WHEREAS, MPD policies should be amended to reflect the statements of MPD leadership, requiring officers to report and intervene when one observes another member of the City’s Police Department use any unauthorized use of force including chokeholds or neck restraints.

NOW, THEREFORE BE IT RESOLVED by the Memphis City Council the Memphis City Council requests that after review, the Memphis Police Department creates an updated Policies and Procedures Manual reflecting the following

1. Ban on chokeholds or any neck restraints
2. Duty to Report: Regardless of tenure or rank, any member of the City’s Police Department who observes another member of the City’s Police Department use any unauthorized use of force, including any choke hold or neck restraint, in violation of this Stipulation and Order, has an affirmative duty to immediately report the incident while still on scene by phone or radio to their Commander or their Commander’s superiors
3. Duty to Intervene: Regardless of tenure or rank, any member of the City’s Police Department who observes another member of the City’s Police Department use any unauthorized use of force, including any choke hold or neck restraint in violation of this Stipulation and Order, must attempt to safely intervene by verbal and physical means, and if they do not do so shall be subject to discipline to the same severity as if they themselves engaged in the prohibited use of force

THEREFORE, BE IT FURTHER RESOLVED that the Memphis City Council requests the administration work to implement these changes by January 2021.

Sponsors:
Martavius Jones

Patrice J. Robinson,
Chairwoman

A RESOLUTION REQUESTING MAYOR STRICKLAND TO FORM A COMMUNITY TASK FORCE TO ASSIST IN THE SELECTION OF A NEW MEMPHIS POLICE DEPARTMENT DIRECTOR

WHEREAS, the Memphis City Council believes public safety is critical to the development of our community, and

WHEREAS, public trust in our public safety officials, namely its leadership, is key to ensuring healthy relationships with our local citizenry; and

WHEREAS, improving relationships between our local citizenry and the Memphis Police Department requires actively listening to the needs of said citizens, as well as establishing processes that secure the inclusion of Memphis citizens into decisions made as it pertains to the selection of persons tasked with protecting and serving Memphis residents; and

WHEREAS, the Director of Police Services is appointed by the Mayor of the City of Memphis; and

WHEREAS, the Council believes it prudent to include community-based input into the decision-making process of the selection of future Directors of the Division of Police Services for the purpose of reaching outcomes representative of the varied perspectives and experiences of our diverse population.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council requests Mayor Strickland to form a community task force to assist in the selection of a new Memphis Police Department Director.

BE IT FURTHER RESOLVED that the community task force shall be selected by the Mayor of the City of Memphis, consisting of no more than thirteen (13) and no less than seven (7) Memphis citizens who identify with communities that include, but are not limited to, the following areas of interest: faith-based, business, education, human rights, and civil rights. This resolution shall take effect from and after its passage, the welfare of the City requiring it.

Sponsored by Councilwoman Michalyn Easter-Thomas
Memphis City Council

Patrice Jordan Robinson, Chairwoman
Memphis City Council