



Civilian Law Enforcement Review Board

City of Memphis



555 Beale Street ~ Memphis, TN 38103
(901) 636-66457

CLERB Board

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Special Assistant to the Mayor

June 14, 2022

Chief Cerelyn Davis  
Memphis Police Department  
170 North Main Street  
Memphis, TN 38103

Re: ISB File # I2020-017

Dear Chief Davis,

During the Board meeting on January 13, 2022 the Civilian Law Enforcement Review Board (CLERB) heard evidence from complainant Mr. Charles Johnson concerning a March 7, 2020 occurrence at the E-Z store, located at 2380 Frayser Boulevard that involved officers with the Memphis Police Department (MPD). The evidence consisted of statements made under oath by Mr. Johnson, body-worn video camera footage provided by the Memphis Police Department, and a closed Inspectional Service Bureau (ISB) file.

### CLERB's findings:

After careful consideration of the evidence presented and subsequent deliberation the members of the CLERB voted to "sustain" the complaint of "excessive force." During the board hearing Mr. Johnson stated under oath that he was asked to leave the E-Z store after being told that he was on the stores Authorization of Agency (AOA) list. Pursuant to the evidence that was presented to the board by Mr. Johnson and the video footage, Mr. Johnson did not appear to be engaging in any unlawful activity at the time of his arrest. Also, there was no evident presented by the Memphis Police Department that showed Mr. Johnson was on the AO A list at the E-Z store located at 2380 Frayser Boulevard. Therefore, to the CLERB-- Mr. Johnson probably should not have been arrested and under the circumstances revealed by the evidence presented during the hearing is concerning to the Board.

**The Recommendations from CLERB:**

1. Review policy and procedures of what constitutes a lawful arrest with officers.
2. Review with officers policy and procedures for DR 302 Excessive/Unnecessary Force.
3. Sensitivity training for all officers.
4. When an Authorization of Agency (AOA) is issued please ensure that a copy is placed in the ISB file, a copy is retained in the police precinct that issued the AOA and the requesting venue should also have a copy of the AOA document.

We value your input and we sincerely believe your assistance will help to build a stronger relationship between citizens and the Memphis Police Department.

Thank you in advance for your reply regarding the actions you propose in response to the recommendations from the CLERB.

Please feel free to contact me regarding this matter.

Sincerely,



James Kirkwood, Board Chairman  
Civilian Law Enforcement Review Board (CLERB)

Cc: Virginia Wilson, CLERB Administrator  
Mr. Charles Johnson