



JIM STRICKLAND
MAYOR

DIVISION OF POLICE SERVICES
CERELYN J. DAVIS
CHIEF OF POLICE

April 10, 2023
TENNESSEE

Virginia Wilson
Civilian Law Enforcement Review Board
3030 Poplar Avenue
HR-RM L42
Memphis, Tennessee 38111

Re: **ISB file # I2021-044**

Dear Mrs. Wilson:

I have reviewed the Citizen Law Enforcement Review Board (CLERB) findings regarding the above referenced Inspectional Services Bureau (ISB) investigation. On July 14, 2022, the *Board* determined the ISB investigation's findings were accurate and appropriate regarding the actions of Officer Joyner and Officer James. The ISB's investigation resulted in *Sustaining* charges for violations of *DR-101 Compliance with Regulations (DUI)*, and *DRI-101 Compliance with Regulations (Body Worn Camera)*.

During the Administrative Hearing process, the Hearing Authority, Major Claxton, did not concur with the ISB's findings and subsequently dismissed the charges as to *DR-101 Compliance with Regulations (DUI)*. At that time, the Hearing Authority was not required by policy to confer with a higher-ranking commander, or the ISB Commander regarding a different finding or any recommended change in the disposition. Therefore, charges against both officers for *DR-101 (DUI)* were dismissed without internal discussion or rebuttal. Major Claxton, the Hearing Authority has sense retired from the MPD.

On January 6, 2023, the MPD received the CLERB findings in this case, and began a thorough review. All statement of charges (SOCs) and Hearing Summaries were reviewed. The MPD also concurs with the ISB's investigative findings and disciplinary recommendations. The Department should have subjected both officers to some type of corrective action considering the totality of the situation. At this time, there is no process to discipline officers after a case has been administratively concluded; however, both officers will receive direct counseling about the proper handling of suspected DUI incidents.

To prevent inappropriate rulings and ineffective oversight of complaint processes, the MPD has conducted a complete overhaul in the manner in which citizen complaints are reviewed and dispositions reached. The ISB Commander and Chief of Police will be the final disciplinary authority in all citizen complaints. Further, the MPD will conduct training in 2023 on DUI detection and policies related thereto as a part of in-service training.

Sincerely,

A handwritten signature in black ink that reads "Cerelyn J. Davis". The signature is written in a cursive style.

Chief Cerelyn J. Davis,
Division of Police Services

cc: J. Michael Fletcher, Deputy City Attorney