

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH A PUBLIC SAFETY REPORTING PROTOCOL
IN REGARD TO THE DISPOSITION BY THE MEMPHIS POLICE
DEPARTMENT OF RECOMMENDATIONS BY THE CIVILIAN LAW
ENFORCEMENT REVIEW BOARD (CLERB) TO THE MEMPHIS POLICE
DEPARTMENT REGARDING CLERB'S DISPOSITION OF COMPLAINTS
INVOLVING POLICE MISCONDUCT, THE USE OF DEADLY FORCE BY
POLICE OFFICERS AND DEATHS OR INJURIES OF PERSONS OCCURRING
WHILE IN POLICE CUSTODY**

WHEREAS, the Civilian Law Enforcement Review Board (CLERB) is a joint citizens' law enforcement review board for oversight of law enforcement that is authorized by ordinance to investigate Complaints filed by citizens alleging police misconduct by officers of the Memphis Police Department (MPD)

WHEREAS, CLERB is also authorized to receive, investigate, hear cases, make findings and recommend action on complaints regarding excessive and deadly force, deaths and injuries to persons occurring while in police custody, harassment by police, improper arrests, inadequate investigations, or any other misconduct by a member of MPD; and

WHEREAS, the Memphis City Council believes it is of paramount importance that the Council and citizens of Memphis are made aware of the disposition by the Memphis Police Department of the recommendations of CLERB made to the Director of the Memphis Police Department as provided by ordinance to ensure that recommendations are taken seriously, acted on in a timely manner, and there is accountability for misconduct of MPD officers; and

WHEREAS, it is the desire of the Memphis City Council to establish a public safety reporting protocol in relation to CLERB's recommendations to MPD to include the recommendations from CLERB in response to an Inspectional Services Bureau (ISB) case brought before the board, the disposition of CLERB's recommendations, and the rationale for the actions taken by MPD in response to CLERB's recommendations.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Memphis that

Section 1. Pursuant to City of Memphis Ordinance No. 5620, Section 28-161, the Memphis Police Department shall report, in writing, on a bimonthly (occurring every two (2) months) basis the disposition of recommendations made by Civilian Law Enforcement Review Board (CLERB) to the Director (Chief) of the Memphis Police Department regarding Inspectional Services Bureau (ISB) cases in which the

complaint was found to be “sustained” by CLERB. The report shall include the following information:

- Inspectional Services Bureau (ISB) case number
- Description of the ISB case
- CLERB hearing date for the ISB case
- CLERB disposition and recommendations for the ISB case
- Disposition/Result of each CLERB recommendation and associated date(s) of enactment or deferral for each recommendation
- Rationale for why each CLERB recommendation was enacted or deferred

Section 2. The Memphis Police Department shall be required to cooperate fully with all document and witness requests from the Civilian Law Enforcement Review Board (CLERB).

Section 3. The Civilian Law Enforcement Review Board (CLERB) shall be given the following powers:

- Investigative authority
- Ability to audit Memphis Police Department reports and policies
- Ability to research and put forth policy recommendations for implementation by the Memphis Police Department

Section 4. Each report shall be made available to the City Council members and posted on the CLERB, City Council, and Memphis Police Department websites.

Section 5. The City Council reserves the right to request a presentation regarding any report to be held in City Council committee or full Council meetings.

Section 6. Severability. All provisions of this Ordinance are hereby severable and if any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 7. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR
JB Smiley, Jr.
Chase Carlisle

CHAIRMAN
Martavius Jones

