

**A Resolution to Establish Misuse of Body Worn Cameras and Excessive Force Complaints as Disqualifying Factors in the Memphis Police Department Promotional Process for a Period of Two (2) Calendar Years**

**WHEREAS**, the Memphis Police Department (MPD) has a Promotional Process for officers seeking promotions in rank within the department; and

**WHEREAS**, it is imperative that officers undergoing consideration for promotions abide by all MPD Policies and Procedures and do not have a record of substantiated violations of these policies, as police officers are charged to protect and serve the citizens of Memphis; and

**WHEREAS**, MPD Policy and Procedure Section: Rules, DR 301 Excessive Force/Unnecessary Force states, “Excessive Force/Unnecessary is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life;” and

**WHEREAS**, per the MPD Policy and Procedures Manual Section: In-Car Video/Body Worn Cameras (BWC), in Section B. “Use of BWC During the Shift,” the policy states, in part, “An officer shall at all times during his/her shift have BWC equipment ready to record police interactions with those they may encounter. This state of readiness includes having the BWC on and in standby mode. Officers shall attempt to maintain a clear, level, and unobstructed forward-facing view. Officers shall attempt to keep the microphone portion of the device unobstructed in order to accurately record audio;” in addition, the policy states in bold lettering, “Officers shall activate their BWC when responding to all calls for service prior to making the scene of a dispatched call;” and

**WHEREAS**, MPD policy DR 101 Compliance with Regulations states that, “Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department,” however depending on the severity of the action or incident, disciplinary action may not always be rendered or may only be an oral reprimand; and

**WHEREAS**, substantiated reports of excessive and unnecessary use of force and misuse of body worn cameras where formal, verifiable disciplinary action is not taken contributes to the possibility for an officer to demonstrate a continued disregard for policy and can contribute to an officer’s inculcated sense of impunity and must not be rewarded with the opportunity for promotion.

**NOW THEREFORE, BE IT RESOLVED** that the Memphis City Council does hereby wish to establish substantiated reports of misuse of body worn cameras (BWC) and use of excessive and unnecessary force as disqualifying factors for participation in the Promotional Process within the Memphis Police Department for a period of two (2) calendar years or two (2) promotional periods, whichever is longer.

**BE IT FURTHER RESOLVED** that information regarding substantiated reports of misuse of body worn cameras and excessive and unnecessary use of force shall be made public via the ISB Dashboard on the City of Memphis website and each reported incident shall include (1) the name of the officer, (2) date and time of incident, (3) type of substantiated claim (i.e. misuse of body worn camera, excessive/unnecessary force, etc.), (4) location of incident, and (5) disciplinary action taken by MPD.

SPONSOR

JB Smiley, Jr.

CHAIRMAN

Martavius Jones