

Ordinance No. _____

Ordinance to establish an Independent Review Process of Memphis Police Department Incidents involving the use of Excessive, Unnecessary and, or Deadly Force by Police Officers and Deaths or Serious Injuries of Persons Occurring while in Police Custody

WHEREAS, in the City of Memphis Code of Ordinances, Division of Police Services, Section 2-28-9, *Complaints against officers and patrol officers*, it currently states, “Complaints against officers or patrol officers of the division of police services shall be made through the director of police to the appropriate internal investigative unit of the division of police services;” and

WHEREAS, the Memphis City Council believes that it is important for citizens to have the option to appeal directly to the Council to conduct an independent review regarding complaints related to incidents of excessive, unnecessary and, or deadly force by officers of the Memphis Police Department and, or deaths or serious injuries of persons occurring while in police custody.

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

Section 1. Chapter 28, Division of Police Services, Article IX, Complaints against officers and patrol officers, shall be repealed in its entirety and rewritten as follows:

- (A) Complaints against officers or patrol officers of the division of police services shall be made through the Director (Chief) of police to the appropriate internal investigative unit of the division of police services.
- (B) The Chief Security Officer of the Memphis City Council, in receipt of a complaint against officers or patrol officers of the division of police services, involving the use of excessive, unnecessary, and or deadly force by police officers, or that a death or serious injury of persons occurred while in police custody, may report such a complaint to the Council Attorney.
- (C) Upon receipt of notification from a member of the Memphis City Council, the Council Attorney will inform City Council members of the complaint during an Attorney Client Privileged meeting. At that time, the Council may elect to conduct an independent review of the complaint.
- (D) If the Council chooses to conduct an independent review, the Council Attorney shall be authorized to obtain the services of an independent consultant or investigator with a background in policing, law, and, or civil rights. The Council Attorney shall send written notice of the Council’s decision to conduct an independent review to the Mayor, Director (Chief) of Police Services, and City Attorney. Upon receipt of written notice, the Director (Chief) of Police Services shall send to the Council Attorney within 5 (five) business days (i) copies of the original incident, and or arrest report(s) and (ii) any video recordings of the incident from the body cameras of all officers at the scene of the incident and, or any cameras in the area owned by the City of Memphis.
- (E) Upon conclusion of the independent review, the Council Attorney will share the findings with members of the Memphis City Council, the City Attorney, and a legal representative from the Memphis Police Department in an Attorney Client Privileged meeting.
- (F) Following review by the Council, and after the conclusion of the department of police services internal review, the Council’s independent review shall be published on the City Council website.

Section 2. Severability. The provisions of this Ordinance are hereby severable. 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 3. 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.

SPONSORS

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