

ORDINANCE NO.: _____

AN ORDINANCE TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES RELATING TO PUBLIC SAFETY FOR THE CITY OF MEMPHIS LAW ENFORCEMENT TO COLLECT AND REGULARLY REPORT DATA REGARDING TRAFFIC STOPS, ARRESTS, USE OF FORCE, AND COMPLAINTS.

WHEREAS, Memphis City Council recognizes that good governance and effective policing relies on the collection, analysis, and public reporting of data; and

WHEREAS, The Southern Poverty Law Center states that “data collection and dissemination are also essential to ensure that police promote public safety in a constitutional, safe, and equitable manner”; and

WHEREAS, Data collected over the years shows, across the United States, that people of color are disproportionately pulled over, arrested, and incarcerated and often face harsher consequences; and

WHEREAS, The collection and reporting of data can inform local law enforcement agencies and the public about possible differential treatment in traffic stops, arrests, and use of force or the lack of evidence thereof; and

WHEREAS, Campaign Zero, an organization that promotes research-based policy solutions to end police brutality, observes that comprehensive data reporting can reduce lethal force by police by 25%; and

WHEREAS, The policy of the Memphis Police Department personnel prohibits “express[ing] bias against any race, any religion, or any protected class of individuals”; and

WHEREAS, Memphis City Council affirms the importance of eliminating bias from law enforcement practices.

NOW, THEREFORE, BE IT ORDAINED BY THE City of Memphis City Council, TENNESSEE, that the City of Memphis City Council Members hereby adopts the following ordinance to amend Chapter 28 of the Code of Ordinances and create a new Article.

Section 1. Purpose of Data Collection & Reporting Ordinance

The purpose of this Data Collection and Reporting Ordinance is to promote effective policing by the City Of Memphis Law Enforcement through the collection and reporting

of data as it pertains to traffic stops (including stopping someone on foot or vehicles with or without a motor), arrests, uses of force, complaints, and the demographics thereof.

Section 2. Definitions

2.1 The term “City of Memphis Law Enforcement” or “Officer” means Memphis Police Department employees and officers. This definition includes both civilian and non-civilian personnel.

2.2 The term “Traffic Stop” means the investigation or detention of an occupant/s of a vehicle (this includes but is not limited to any vehicle with or without a motor, i.e. bikes, scooters, skateboards) or on foot.

2.3 The term “Use of Force” means verbal or physical coercion by an Officer in performance of official duties, including but not limited to force the Officer believes will deescalate a situation, is in self-defense, or in defense of others.

2.4 The term “demographics” means tracking race, ethnicity, age and gender identity.

Section 3. Data Collection

3.1 When an Officer conducts a traffic or pedestrian stop, the Officer shall collect, record, and submit the following information:

- (a) The date, start and end time, and location (nearest intersection and zip code) of the traffic stop;
- (b) The year, make and model of the vehicle;
- (c) The primary reason for stop, including any dispatch code if associated with the stop, and any following reasons for stop or citations;
- (d) Any actions related to traffic stop such as warrant checks or car/ personnel searches (frisking), removal of individuals from vehicle, use of handcuffs or restraint of occupants, of any individuals subject to search;
- (e) If the traffic stop resulted in any use of force, the reason for use of force, what force was used, if there were injuries to the officer or person, and if there was a need for medical assistance;
- (f) If the traffic stop resulted in arrest and why;
- (g) If the traffic stop resulted in the recovery of contraband, or illegal items and substances; delineated by type (i.e. drugs, guns, stolen items);

(h) If a vehicle or any personal effects were seized damages, or injuries were incurred;

(i) The location, race, ethnicity, gender, and age of all individuals subject to the traffic stop;

- 1) The individuals subject to the stop should be presented the option to self-identify their race, ethnicity, gender, and/or age by the officer but this is not required of the individual.
- 2) A record should be made by the officer of the individual's request to self-identify. A copy of the record shall be signed by both the officer and the individual and provided to the individual for their personal records.
- 3) The record shall state that self-identification will not affect the outcome of the investigation, detention, or arrest of the individual being stopped.
- 4) A unique log number will be presented to the driver and recorded by the officer.

(j) The name of any ongoing MPD operations or task forces related to the traffic stop;

(k) The name of the officer who conducted the traffic stop and any other officers who arrived on scene, if any;

(l) 911 job IDs, Computer Aided Dispatch, and Records Management Systems related information leading to or used during the traffic stop.

3.2 When an Officer conducts an arrest or arrests, the Officer shall collect, record, and submit the following information:

- (a) The name of the arresting officer
- (b) Reason for arrest(s)
- (c) Time of arrest(s)
- (d) Location of arrest(s) if different from the original stop
- (e) Name of transporting officer
- (f) Time the individual was delivered to jail for booking

3.3 Complaints

- (a) If there are any complaints made by the individual(s) being stopped to Internal Affairs, the complaint(s) shall be recorded as part of Memphis Police Department's record of the corresponding traffic stop
- (b) If there are any complaints made by the individual(s) being stopped to Commanding Officers, the complaint(s) shall be recorded as part of Memphis Police Department's record of the corresponding traffic stop

3.4 The Officer shall promptly report the information recorded pursuant to this section to the Memphis Police Department ("MPD") in the manner the policy specifies;

- (a) To the extent not already in place, develop procedures and policies to reasonably ensure information entered into the database, is complete and accurate.
- (b) MPD shall create an online electronic database available to the public in an exportable .csv format for collecting, compiling, storing, and analyzing the information reported by Officers pursuant to this section, within (1) one year of the effective date of this ordinance
- (c) To the extent not already in place, MPD shall publicly publish exportable the full report in a .csv format online within (6) six months of the effective date of this ordinance and subsequent monthly reports with updated information
- (d) Transmit a bi-annual report detailing the Police Department's traffic enforcement, and identifying any best-practice policy changes that were implemented over the preceding year, to the City Council and Chair of the Public Safety Committee and publish publicly, two weeks prior to the public hearing scheduled in accordance with this ordinance

Section 4. Semi-Annual Analysis and Reporting of Officer Activity

4.1 On a semi-annual basis, MPD shall send a written report to the City of Memphis City Council members and the City of Memphis Mayor covering the previous six months.

4.2 The semi-annual report shall contain the total number of traffic stops and pedestrian stops during the reporting period. This report shall include demographic data such as the total number of traffic and pedestrian stops broken down by location, race or ethnicity, gender, and age. Traffic stops and pedestrian stops will need to be notated separately.

4.3 In addition, the semi-annual report shall contain the total number of arrests from traffic and pedestrian stops during the reporting period. This report shall include

demographic data such as the total number of arrests broken down by location, race or ethnicity, gender, and age.

4.4 The semi-annual report shall also contain the total number of uses of force, not limited to traffic stops or detentions, including uses of force, shots fired and/or stops that result in death and the cause of death, during the reporting period. This report shall include the following demographic data:

(a) The total number of uses of force broken down by location, race or ethnicity, gender, and age;

(b) The total number of uses of force that result in shots fired, or death by location, race or ethnicity, gender, and age.

4.5 Finally, the semi-annual report shall contain the total number of complaints and the total number of closed complaints from the Memphis Police - Internal Affairs Bureau in the reporting period. This report shall include the following demographic data:

(a) The total number of complaints characterized as allegations of bias based on race or ethnicity, gender or gender identity, and age;

(b) The total number of complaints closed characterized as allegations of bias based on race or ethnicity, gender or gender identity, and age;

(c) The total number of complaints characterized as allegations of excessive force during the commission of a traffic stop;

(d) The total number of closed complaints characterized as excessive force during the commission of a traffic stop;

Section 5. 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.

Section 6. Effective Date. This Ordinance shall take effect from and after the date it shall have 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

J. Ford Canale

Frank Colvett, Jr.

Michalyn Easter-Thomas

Edmund Ford, Sr.

CHAIRMAN

Martavius Jones

Cheyenne Johnson

Martavius Jones

Rhonda Logan

Worth Morgan

Jana Swearngen-Washington

Dr. Jeff Warren