



MEMPHIS POLICE DEPARTMENT

170 N. MAIN

MEMPHIS TENNESSEE 38103

Information Bulletin

SERIAL: 35-21 **DATE:** March 11, 2021
FROM: Director Michael Rallings **TO:** All Personnel
SUBJECT: Shelby County District Attorney General's Office Review of
Excessive or Un-Necessary Force Complaints

PURPOSE:

It is the intent of the Memphis Police Department, through the adoption of this policy, to increase transparency with respect to the operations of the department, and in doing so, foster greater public trust. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, MPD shall implement a procedure to submit all sustained charges of excessive or un-necessary force to the Shelby County District Attorney General's office for review. The Shelby County District Attorney General will determine whether criminal charges are appropriate, and if appropriate, the nature of the charges, including whether the appropriate charge or charges constitute a misdemeanor or felony or both.

At any time, the Memphis Police Department may submit any completed investigative file to the Shelby County District Attorney General's office for review and the Shelby County District Attorney General's office may also request any completed investigative file for review.

Procedure

1. All sustained charges of excessive or un-necessary force that result in the issuance of discipline or corrective action shall be submitted to the Shelby County District Attorney General's Office for review.
2. The investigative file may only be submitted for review upon the conclusion of all internal disciplinary hearings.
3. It shall be the responsibility of the ISB Commander to submit the completed investigative file to the Shelby County District Attorney General's Office.

Garrity Protections

Pursuant to the United States Supreme Court's decision in *Garrity v. New Jersey*, 385 U.S. 493 (1967), when a police officer is compelled by a supervisor to make a statement in the course of an administrative or internal investigation or face termination, such statement and any evidence derived from that statement cannot be used in any subsequent criminal investigation or prosecution of that officer.

If an administrative investigation is submitted to the Shelby County District Attorney General's Office for review, the Inspectional Services Bureau shall remove any compelled statements of the principal officer(s). No information from a Garrity-protected administrative interview or any information derived from the Garrity-protected interview shall be submitted to the Shelby County District Attorney General's Office for purposes of their review or prosecution of a criminal investigation. The purpose of this order is to prevent the intentional or inadvertent use of a member's compelled statement in a criminal prosecution against the member.

Information obtained from the criminal investigation can be shared with administrative investigators, but administrative investigators shall not disclose to criminal investigators any information obtained from their separate investigations.

This Information Bulletin has been reviewed by the Research and Accreditation Team and does not conflict with any CALEA Standards.

Distribution A