

HEARING SUMMARY FORM

0418-21

Hearing:

11-3-21

Date

3:00 pm

Time

Location: Real Time Crime Center

Attended by: Officer Brooks, Officer Lane, LTC Bass Hearing Officer: Deputy Chief J. Oakley

DR 104: Personal Conduct: Sustained

Action Ordered: Ten Day Suspension

DR 301: Excessive/Unnecessary Force: Sustained

Action Ordered: Five Day Suspension

DR 803: Rough or Careless Handling of City or Department Property: Dismissed

DR 120: Neglect of Duty: ~~Dismissed~~ and Amended to DR 101: Compliance with Regulations Supervisor Notification. *(CR)*

DR 101: Compliance with Regulations to wit: Supervisor Notification: Sustained

Action Ordered: One Day Suspension

DR 101: Compliance with Regulations to wit: Vehicle Operations/Pursuit Policy: Sustained

Action Ordered: Three Day Suspension

DR 101: Compliance with Regulations to wit: Body Worn Camera/ICV: Sustained

Action Ordered: One Day Suspension

Statement of Hearing: On Wednesday, November 3, 2021, at 1500 hours, the Hearing Officer held an Administrative Hearing regarding Officer Taiyuan Brooks, 14148, assigned to the MMS Charlie shift. The hearing was regarding Administrative Charges for Personal Conduct, Excessive/Unnecessary Force, Rough or Careless Handling of Department Property, Neglect of Duty, Compliance with Regulations to wit: Vehicle Operations/Pursuit Policy & Body Worn Camera/ICV Policy. On April 4, 2021, the local news media ran footage of a marked police unit striking an ATV rider. The Inspectional Services Bureau opened an investigation S2021-006 to determine the facts surrounding the footage.

ISB investigators determined Officer Brooks was responsible for two intentional crashes, WC2108451 and WC108442. The crashes were deemed excessive due to observed actions through Body Worn Camera and In-Car Video. Officer Brooks also made threatening statements before and during the pursuit of the ATV riders. In addition to the footage of the crashes and the recorded statements of Officer Brooks, ISB investigators found evidence that Officer Brooks intentionally used his vehicle to force an ATV into oncoming traffic. The investigation revealed Officer Brooks failed to stay on the scene of the first crash and did not provide medical services to Justin Griham by removing his helmet and assisting in his complaint of not being able to breathe. Officer Brooks was found not to have supervisor authority to pursue, pursued the ATV riders for misdemeanor charges, and used his police vehicle in a manner counter to training provided by the Memphis Police Academy. Lastly, ISB investigators found Officer Brooks to terminate his Body Worn Camera and In-Car Video before the incident was completed in its entirety.

The Hearing Officer provided Officer Brooks a chance to respond to the charges. Officer Brooks stated that he did not intentionally veer into the path of the first ATV. Officer Brooks offered a statement counter to that fact and stood by attempting to avoid striking the ATV. He said he was removing his car from the path by moving right as the ATV was swerving from right to left. Officer Brooks thought the ATV would continue left. After the ATV struck Officer Brooks' car, Griham stood and appeared as though he was going to run. Officer Brooks then pointed his service weapon at Griham, ordered him to the ground, and handcuffed a then compliant Griham. Officer Brooks acknowledged Griham asked him to remove his helmet to assist in his breathing. According to Officer Brooks, the rider's airway was not obstructed, and he had just been involved in a traffic crash. Brooks felt as though removing the helmet was counter to police training and appropriate medical care. It was for the paramedics that arrived on the scene to determine, he stated.

Officer Brooks handed custody of Griham over to Officer Malone. ISB investigators found Officer Brooks stated that he was "going to hit him another one." He refuted the claim and clarified that he said he was about to "go get me another one." Officer Brooks then got back in his squad car, left the first crash scene, and accelerated into traffic. He then chose to pursue another ATV.

Officer Brooks' pursuit of the second ATV brought him into the path of oncoming traffic. He stated that he had tunnel vision during the pursuit and acknowledged that his actions were wrong. He further said that he "fell into the trap of the ATV riders by chasing them." Officer Brooks admits that he stated that he was "going to get his ass" while chasing the ATV rider. He said he made the statement, "out of frustration."

Officer Brooks chased the ATV into a semi-contained area roped off with a security chain. Officer Brooks stated he knew the rider would have to exit a narrow space and met the second ATV rider at that point. The property belonged to his former employer, and he knew it well. Officer Brooks claimed he met the ATV rider at the only area the ATV could leave the lot. Officer Brooks said he attempted to block the rider in but slid in the grass and struck a pole. Officer Brooks said he was unaware of hitting the ATV rider initially and the ATV rider had gotten off his ATV and ran away from the scene. He directed his partners to take the second rider into custody after fleeing from the second crash scene. Officer Brooks offered that his contact with the two defendants in the case had ended and thought it was okay to turn off both his Body Worn Camera and In-Car Video.

MPA Representative Officer Lane commented that it was apparent that Officer Brooks was frustrated with the ongoing city street takeover of ATVs in the area. He elaborated that it was also evident that Brooks' intent was not to harm anyone. Finally, Officer Lane added had the ATVs not taken over the city streets and driven recklessly, the incident would not have happened. Officer Lane closed with knowing officer Brooks to be a good police officer who works hard.

Lieutenant Colonel Bass commented there were ongoing citizen complaints of ATV riders taking over the city streets in the area for months and years. He iterated that there is pressure on the police officers to provide results and disperse the crowds. LTC Bass provided that Brooks indeed did violate multiple policies to which there is no excuse. He added that it appears he intended to stop reckless ATV drivers and not to harm them. LTC Bass stated there has not been any ATV problems since the incident. LTC Bass stated Brooks is a hard worker who is always willing to contribute to precinct enforcement efforts by volunteering regularly.

Lieutenant Colonel Angela Jenkins was consulted regarding DR 803: Rough and Careless Handling. She stated the Crash Review Board was held regarding the crash related to this incident and issued Administrative Charges accordingly. When asked, LTC Jenkins responded with the proper protocol regarding a helmet-wearing ATV rider involved in a traffic crash. She replied that the rider should keep the helmet on unless obvious circumstances prevent the rider from breathing. Otherwise, medical professionals should make the determination to remove a helmet.

After reviewing the facts of the case;

The Hearing Officer **SUSTAINED** DR 104: Personal Conduct and ordered a **Ten-Day SUSPENSION**. The overall conduct of Officer Brooks is counterintuitive to the proper conduct and prudence of a Memphis Police Officer. His actions reflected poorly on the law enforcement profession and the City of Memphis. Further, he had a duty to remain on the first crash scene and notify his supervisor of the incident.

The Hearing Officer **SUSTAINED** DR 301: Excessive/Unnecessary Force and ordered a **Five-Day SUSPENSION**. When viewing the evidence in totality, Officer Brooks used his squad car to physically compel compliance against an ATV rider he struck on April 4, 2021. Further, his statements recorded that day reaffirmed the improper use of force and showed his mindset at the time of the incident.

The Hearing Officer **DISMISSED** the charge of DR 803: Rough and Careless handling of City or Department Property. Officer Brooks intentionally used his vehicle to compel force. He caused minor damage to P#3202 when he struck both ATVs. DR 803 Rough and careless handling of City or Department Equipment was reviewed by the Crash Review Board (CRB). The crash is not germane to this hearing and will route according to the CRB policy. A statement of Charges was issued related to those facts. Officer Brooks' operational Station Chain of Command, MMS, will adjudicate those allegations.

The Hearing Officer **AMENDED** the charge of DR 120: Neglect of Duty to DR 101: and **SUSTAINED** Compliance with Regulations to wit: Supervisor Notification and ordered a **One Day SUSPENSION**. Officer Brooks failed to call for a supervisor and remain on the scene of the crash. Regarding the allegation of Officer Brooks not removing the ATV rider's helmet upon request, leaving the helmet on after a collision is in line with proper training, less an actual airway obstruction, or preventing any form of suffocation. These facts were not present within this case file or observed during the review of the footage provided. The ATV rider was mobile after the crash as well as before and after the arrest. The Memphis Fire Department provided medical care and decided to remove or keep Griham's helmet donned.

The Hearing Officer **SUSTAINED** DR 101: Compliance with Regulations to wit: Vehicle Operations/Pursuit Policy and ordered a **Three-Day SUSPENSION**. Officer Brooks admitted to both ISB investigators and the Hearing Officer that he pursued both ATVs counter to policy. Furthermore, Officer Brooks can be observed in the casefile footage pursuing both ATVs with only traffic charges present.

The Hearing Officer **SUSTAINED** DR 101: Compliance with Regulations to wit: Body Worn Camera/ICV and ordered a **One Day SUSPENSION**. Officer Brooks stopped both his Body Worn Camera and his In-Car Video before the incident concluded. A review of the case file footage

shows the termination of the footage before clearing the scene and, more especially, before a supervisor makes the scene to permit to end the collection of evidence.

DR 104: Personal Conduct: Sustained

Action Ordered: Ten Day Suspension

DR 301: Excessive/Unnecessary Force: Sustained

Action Ordered: Five Day Suspension

DR 803: Rough or Careless Handling of City or Department Property: Dismissed

DR 120: Neglect of Duty: ~~Dismissed~~ and Amended to DR 101: Compliance with Regulations Supervisor Notification.

DR 101: Compliance with Regulations to wit: Supervisor Notification: Sustained

Action Ordered: One Day Suspension

DR 101: Compliance with Regulations to wit: Vehicle Operations/Pursuit Policy: Sustained

Action Ordered: Three Day Suspension

DR 101: Compliance with Regulations to wit: Body Worn Camera/ICV: Sustained

Action Ordered: One Day Suspension

Officer Brooks will serve his 20 suspension days on: November 13,14,17,18,19,20,21,22,23,26 27,28,29,30; December 3,4,5,6,7,10, 2021.

Dickie Duke
Hearing Officer

Any employee holding a position not exempted from the provisions of Article 34 Civil Service, and not in the initial probationary period, who has been suspended in excess of ten, (10) days, terminated, or demoted, may appeal to the Civil Service Commission within ten, (10) calendar days after notification in writing of such action. In the event of multiple suspensions, only that suspension which causes the total number of days suspended to exceed five, (5) days within a six-month period, and any subsequent suspension within said period shall be appeal able to the Commission. If the disciplinary action is 10 days or less, the officer may submit to a grievance procedure or an internal appeal, but not to both.

In addition, Chapter I Section 5 page 4 states in part: "Commissioned police officers with a status of suspension, probation, non-enforcement, relieved of duty, or leave of absence are not permitted to engage in any Secondary Employment and/or any Off Duty Security Employment where the officer's status is dependant on his/her state commissioned status. No commissioned police officer is permitted to engage in any Secondary Employment and/or Off duty Security Employment for a period of thirty (30) days after the final disposition of (1) any sustained Statement of Charges for violation of the Sick Abuse policy or (2) any sustained Statement of Charges resulting in a suspension and/or reduction in rank" Notification will be made to the Secondary Employment Office regarding this suspension. Violation of the above listed policy could result in additional charges.

Appeal: _____ Will ☒ Will Not Be Filed

Grievance: _____ Will ☒ Will Not Be Filed

I understand that by requesting the grievance procedure that I am waiving my right to recourse through the Internal or Civil Service Commission Appeal Process.

11/12/2021
Date

Jaimean Brooks
Employee Signature

Distribution: MPD Human Resources. Branch Commander/Division Commander. Precinct HSF 07/07



JIM STRICKLAND
MAYOR
CERELYN DAVIS
POLICE CHIEF
DIVISION OF POLICE SERVICES

TENNESSEE

November 12, 2021

Taiyuan Brooks #14148

Memphis, TN 38018

Dear Taiyuan Brooks,

On Wednesday November 3, 2021, at 1500 hours, an Administrative Hearing was conducted by Deputy Chief Joe Oakley regarding Statement of Charges **0418-21** issued to you for violating DR 104: Personal Conduct, DR 301: Excessive/Unnecessary Force, DR 803: Rough and Careless Handling of City or Department Property, DR 120 Neglect of Duty, DR 101: Compliance with Regulations to wit: Vehicle Operations/Pursuit Policy, and DR 101: Compliance with Regulations to wit: Body Worn Camera/ICV.

After careful review of the allegations against you and your statements made during the Administrative Hearing, the Hearing Officer found the charges of DR 104: Personal Conduct **SUSTAINED and a ten day suspension ordered**, DR 301: Excessive/Unnecessary Force **SUSTAINED and a five day suspension ordered**, DR 803: Rough and Careless Handling of City or Department Property **DISMISSED**, DR 120 Neglect of Duty **AMENDED** to DR 101: Compliance with Regulations to wit Supervisor Notification and **SUSTAINED with a one day suspension ordered**, DR 101: Compliance with Regulations to wit: Vehicle Operations/Pursuit Policy **SUSTAINED and a three day suspension ordered**, and DR 101: Compliance with Regulations to wit: Body Worn Camera/ICV **SUSTAINED and a one day suspension ordered**.

You have ten (10) calendar days after receipt of written notification of the action taken to file an appeal with the Civil Service Commission. You may file your request for a Civil Service Hearing in person or by mail to the following:

The Civil Service Administration
City Hall, Room #406
125 North Main Street
Memphis, TN 38103

Your correspondence should be marked to the attention of Phyllis Thomas, Secretary of the Civil Service Commission. If you have any questions regarding filing an appeal, please contact Human Resources at (901) 636-1359.

Sincerely,

Deputy Chief Joe Oakley
Information Technology

Cc: Police Chief Cerelyn Davis
Assistant Chief
Police Services Human Resources
City Attorney
City Human Resources

**City of Memphis
Police Division
Inspectional Services Bureau**

Administrative Summons

**Memphis Police Department VS.
Brooks, Taiyuan IBM: 14148**

**Date: April 29, 2021
ISB Case #: S2021-006**

I. Allegation

On April 4, 2021, you became involved in the pursuit and arrest of two ATV drivers in the area of Knight Arnold and Linda. During that incident, you were involved in two vehicle crashes.

II. Rules, regulations or orders violated.

DR 104 Personal Conduct
DR 301 Excessive/Unnecessary Force
DR 803 Rough Or Careless Handling Of City Or Department Property
DR 120 Neglect Of Duty
DR 101 Compliance with Regulations to wit: Police Vehicle Operation/Pursuit Policy
DR 101 Compliance with Regulations to wit: In-Car Video/Body Worn Cameras

III. Hearing

Date: 11/3/21

Place: RIOC 600 JEFFERSON ST & 400

Time: 1500

You are entitled to representation during this hearing.

Served by: William Accred / Lt / MMS-C / 9862
Name/Rank/Assignment/IBM

Date: 10/22/21 Time: 1815 hrs.

Signature of Officer: Taiyuan Brooks #14148

YOUR ATTENDANCE AT THE HEARING NOTICED HEREIN IS REQUIRED, UNLESS EXCUSED DUE TO A MEDICAL EMERGENCY. FAILURE TO ATTEND WILL BE CONSTRUED BY THE HEARING OFFICER AS A WAIVER OF YOUR RIGHT TO BE HEARD. ATTENDANCE WILL BE EXCUSED DUE TO A MEDICAL EMERGENCY IN THE SOLE DISCRETION OF THE HEARING OFFICER, AND ONLY IF YOU HAVE DELIVERED, OR CAUSED TO BE DELIVERED, TO THE HEARING OFFICER, PRIOR TO THE HEARING DATE, A WRITTEN STATEMENT OF MEDICAL CONDITION, PREPARED AND SIGNED BY THE YOUR TREATING PHYSICIAN, DESCRIBING YOUR MEDICAL CONDITION AND ADVISING THAT YOU ARE NOT ABLE TO ATTEND THE HEARING AS A RESULT OF SAID CONDITION.

0418-21
PBR

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**City of Memphis
Police Division
Inspectional Services Bureau**

Case # S2021-006 Statement of Charges

Officer's Name: Brooks, Taiyuan

IBM # 14148

Rank: Police Officer II

Assignment: Mt. Moriah Charlie

Date: April 29, 2021

Notice is hereby given that you are being charged with violation(s) of policy, law or regulations as shown below:

DR 104 Personal Conduct **SUSTAINED: 10 DAY SUSPENSION**
DR 301 Excessive/Unnecessary Force **SUSTAINED: 5 DAY SUSPENSION**
DR 803 Rough Or Careless Handling Of City Or Department Property **DISMISSED**
DR 120 Neglect Of Duty **DISMISSED**
DR 101 Compliance With Regulations to wit: Vehicle Operations/Pursuit Policy **SUSTAINED 3 DAYS**
DR 101 Compliance With Regulations to wit: In-Car Video/Body Worn Camera **SUSTAINED 1 DAY**
DR-101 COMPLIANCE W/REGULATIONS SUPERVISORY NOTIFICATION 1 DAY
TOTAL: 20 DAY SUSPENSION

Date of Occurrence: April 4, 2021

Statement of Particulars:

You were involved in a crash at Democrat and Tchulahoma after an unauthorized pursuit of ATVs in the area. You attempted to move your vehicle after the crash. This crash was recorded by a civilian and immediately posted to social media. Several news stations in the area produced stories and headlines about this incident. Your actions violate **DR 104 Personal Conduct** which states:

The conduct of each member, both on and off-duty, is expected to be such that it will not reflect adversely on other members, the Department, the City of Memphis, or the law enforcement profession. This regulation applies to both the professional and private conduct of all members. It includes not only all unlawful acts by members but also acts which, although not unlawful in themselves, would violate either the Law Enforcement or Civilian Code of Ethics, and would degrade or bring disrespect upon the member or the Department.

At Knight Arnold and Linda, you used your squad car to abruptly turn into the path of an oncoming ATV that was refusing to stop for blue lights and sirens. Your vehicle collided with the ATV. Your action to stop the driver was a use of force to compel compliance and was beyond reasonable for this particular event. This use of force caused the victim to suffer road rash all over his body and a broken rib.

At Democrat and Tchulahoma, you used your squad car to attempt to block an ATV driver that was refusing to stop for blue lights and sirens. You accelerated off the roadway over a curb and collided with the ATV. Your action to stop the driver is a use of force to compel compliance and was beyond reasonable for this particular event.

Your use of force on each of these incidents places you in violation of **DR 301 Excessive/Unnecessary Force** which 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.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

You were involved in multiple vehicle accidents while utilizing your squad car to stop ATV drivers. Your squad car, P#3202 endured significant damage on the front and passenger side as a result. Your actions place you in violation of **DR 803 Rough or Careless Handling of City or Department Property** which states:

A member shall use due care in handling City, State, County or Federal government equipment, or property issued to them in the performance of their duties. A member shall immediately report any damaged, lost or unserviceable equipment or property in their care. A member shall not willfully or negligently lose, alter, damage, or destroy City, State, County or Federal government issued equipment or property in their care.

You were involved in an on-duty crash at Knight Arnold and Linda with an ATV. You did not notify a supervisor you were involved in an accident and you left the scene.

You took a male into custody at Knight Arnold and Linda after he crashed into your squad car while riding an ATV. The male asked you to remove his helmet because he was having difficulty breathing. You acknowledged his request but did not remove his helmet.

These actions place you in violation of **DR 120 Neglect of Duty** which states in part:

Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.

You turned your squad car into the path of an ATV driver who was refusing to stop for blue lights and sirens at Knight Arnold and Linda.

You attempted to stop another ATV driver in the area of Democrat and Tchulahoma. The driver was not responsible for a violent felony. You did not obtain supervisor approval within a minute of the pursuit origin. You pulled alongside the ATV. You were driving at unsafe speeds in opposing lanes of traffic. You accelerated over a curb to block the path of the ATV which led to a crash with the vehicle.

Your actions place you in violation of **DR 101 Compliance with Regulations to wit: Vehicle Operations/Pursuit Policy** which states in part:

Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department.

MPD P&P Chapter 13, Section 6, Vehicle Operation and Pursuit Policy states in part:

Authorized Vehicle Pursuits

A. Vehicle pursuits are authorized only when an officer has probable cause to believe that one or more occupants of a fleeing vehicle have committed a Violent Felony. In those cases, the officer initiating the pursuit must activate lights and siren, then immediately provide the dispatcher with the following information: (41.2.2.b)

B. Authorization to pursue must be obtained from a supervisor at the rank of Lieutenant or above within one minute of pursuit origination or the pursuit must be terminated by the officer.

Vehicle Pursuits Prohibited:

Vehicle pursuits will be strictly prohibited under the following circumstances:

- 1. When the officer knows that the suspect is wanted only for a traffic violation, a misdemeanor, or a non-violent felony.*
- 2. When the officer has failed to obtain supervisory approval within one minute of pursuit origination.*
- 3. When the pursuit has reached an unacceptable level, as defined in Section II of this policy. (41.2.2.a)*
- 4. When the officer fails to activate audible (siren) and visual (blue lights) signals upon initiation of a pursuit.*
- 5. When the pursuing police vehicle(s) is occupied by anyone other than a commissioned police officer.*
- 6. When the officer has reason to believe that his/her police vehicle is mechanically defective or otherwise unsafe for pursuit or emergency response.*

Pursuit Procedures

E. Pursuit Driving Tactics:

- 1. There shall be no paralleling of the pursuit route, unless the pursuit passes through a unit's assigned area. The paralleling unit shall not be operated under emergency conditions (blue lights and siren).*
- 2. The primary and secondary units shall be the only units operating under emergency conditions (blue lights and siren), unless other units are assigned to the pursuit by the Supervisor monitoring the pursuit.*
- 3. There shall be no caravanning of units paralleling the pursuit or attempting to join the pursuit.*
- 4. Officers involved in a pursuit shall not attempt to pass other units, unless requested to do so by the primary unit.*
- 5. In vehicle pursuits, the use of any of the following actions by an officer is prohibited:*
 - a. Using the police vehicle as a battering ram to force the vehicle being pursued to stop.*
 - b. Pulling alongside the vehicle in an effort to force the vehicle over, or pulling alongside the vehicle for any other reason.*

- c. Using a police vehicle to block the path of a vehicle being pursued.
- d. Driving at unsafe speeds and violating traffic laws in order to join a pursuit when the officer's location is such a distance from the pursuit to make such an attempt impractical and unsafe. (41.2.2.g)

You stopped your body camera and in-car video recording after you crashed your vehicle at Democrat and Tchulahoma. The incident had not concluded at that time. Your actions place you in violation of DR 101 Compliance with Regulations to wit: In-Car Video/Body Worn Cameras which states:

Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department.

MPD P&P Chapter 13, Section 15, In-Car Video/Body Worn Cameras states in part:

Once a recording event begins, the BWC shall remain activated until the event has concluded in order to conserve the integrity of the recording. Once an event has concluded, an officer will mark the conclusion of the recording verbally after clearing the call/special. In cases of arrest, an officer shall continue recording until custody is transferred.

Exceptions: Should an officer have an activated BWC and respond to a call inside of a location that is out of view of the ICV system, the officer may discontinue the ICV recording (e.g. indoor report calls, crime scenes, and other police related events). Should the call progress back towards the car and contact with another individual is made, the event should be recorded by the ICV system.

(The officer's disciplinary resume will be reviewed and become a part of this file)

1st. [Signature] 9862
Issuing Officer

Sgt [Signature] 10027
Charging Officer

I acknowledge receipt of this notice and understand that further investigation may result in additional charges, amendment of the above charges, or dismissal of these charges.

I further understand that a written response to these charges at this time is at my discretion unless specifically instructed to file same by the issuing officer.

Dayan Ruvik #14148
Signature of Officer:

Written Response Ordered? ☐ Yes ☐ No

Was officer relieved of duty? ☒ Yes ☐ No

Reviewed by: ☒ Dep. Dir. ☒ Dep. Chief ☐ Work Station Commander

Delegated to: ☐ Dep. Chief ☒ Station/Bureau

Col. Patricia Burnett
Major/Lt. Colonel/Colonel

DI Col Joe Oakley 6493

City of Memphis

Police Division, Inspectional Services Bureau

Case Summary S2021-006

I) Principal Employee:

Police Officer II Taiyuan Brooks #14148 Mt. Moriah Station – “C”
Police Officer II Antonio Malone #13116 Mt. Moriah Station – “C”

II) Administrative Regulation:

DR 104 Personal Conduct
DR 301 Excessive/Unnecessary Force
DR 803 Rough Or Careless Handling Of City Or Department Property
DR 120 Neglect Of Duty
DR 101 Compliance With Regulations to wit: Police Vehicle Operation/Pursuit Policy
DR 101 Compliance With Regulations to wit: In-Car Video/Body-Worn Cameras

III) Allegation:

It is alleged Officer Brooks and Malone engaged in a vehicle pursuit of ATVs and motorcycles in the area of Knight Arnold and Lamar. As a result, two officer-involved crashes occurred only one of which was reported to a supervisor and STIS.

IV) Background:

Memphis Police Dispatchers broadcast a complaint of vehicles drag racing in the area of Kathy and Marlene. Officers Antonio Malone and Taiyun Brooks checked the area. Soon after, the officers located a large group of ATVs and motorcycles in the area of Lamar and Knight Arnold. Officers attempted to make a traffic stop, but none of the vehicles complied. In the area of Knight Arnold and Linda, Officer Brooks and an ATV being driven by Justin Griham collided causing Griham to flip off the ATV where he was taken into custody. Griham suffered road rash on his body and a broken rib. Officer Malone was behind this crash when it occurred. Officer Brooks left the location without notifying a supervisor he had been involved in a crash. Officer Brooks became involved in another pursuit of ATVs and motorcycles in the area of Tchulahoma and Democrat. During the pursuit, Officer Brooks can be seen on in-car video driving into opposing lanes of traffic. Officer Brooks collided with another ATV driven by Emmanuel Meniru and his squad car came to rest on top of a yellow pole disabling the vehicle from moving. Meniru was taken into custody. A supervisor was notified and made the scene. STIS was contacted. After a brief review of video evidence, Inspectional Services was called to the scene. Officer Brooks was relieved of duty and drug tested.

V) CAD #:

P210941409

VI) Evidentiary Findings:

A) Statements:

Witness Employee Lt. Therman Richardson advised he was working as the Mt. Moriah Charlie shift supervisor on April 4, 2021. At approximately 4:30 in the afternoon, he responded to the dispatcher regarding a chase taking place at that time. He was asked to meet Officer Brooks in the area of Democrat and Tchulahoma. When he arrived, he saw a squad car affixed on a pole. He asked to review the camera footage of the incident. He watched the in-car video footage and observed Officer Brooks involved in a pursuit that started in the area of Lamar and Knight Arnold. There was an incident with one ATV but he was unable to verify if there was an officer-involved crash. Officer Brooks informed him the driver had hit a curb. Further in the video he observed Officer Brooks in pursuit of other ATVs and driving into oncoming traffic. The squad car comes to rest in a field on the top of a pole just as another ATV is quickly passing the front of the squad car. Officer Brooks informed him he did not strike the ATV. Lt. Richardson confirmed based on the information he was provided at that time on the scene he did not know Officer Brooks had been involved in an earlier crash with an ATV. The ATV involved in the first incident at Knight Arnold and Linda had been towed from the scene before his involvement.

Witness Employee Emmanuel Ufeu stated he was working Mt. Moriah Charlie shift and assigned 363 on April 4, 2021. He pulled into the area of Democrat and Tchulahoma to assist an officer involved in a foot pursuit. Ufeu advised he assisted Officer Wright when taking Emmanuel Meniru into custody. He was not involved in a vehicle pursuit. He observed a squad car off the roadway on a pole.

Witness Employee Garrett O'Brien advised he was assigned to a drag racing detail on April 4, 2021. His car number was 6380. He heard an officer on the radio yelling for additional units so he went to the area of Democrat and Tchulahoma. The suspect was taken into custody before his arrival. He observed a squad car on top of a yellow pole and a four-wheeler against a metal guard wire. He stated Officer Brooks commented on moving his squad car off the pole but he told him not to move the car.

Witness Employee Markio Wright advised he was working Mt. Moriah Charlie shift and assigned 353 on April 4, 2021. He pulled into the area of Democrat and Tchulahoma to assist an officer who had a suspect running. When he arrived he took Emmanuel Meniru into custody without incident. He did not observe any injuries on Emmanuel Meniru who complained his side and hip were hurting because he had just been hit by Officer Brooks' vehicle. Officer Brooks' squad car was off the roadway resting on a pole. He stated he was not involved in a vehicle pursuit.

Witness Employee Alejandro Sanchez advised he was assigned 345 on April 4, 2021. He was not involved in a vehicle pursuit. He responded to Knight Arnold and Linda to tow an ATV because the officer on the scene had to follow an ambulance with a suspect to the hospital.

Witness Employee Jonathan Phippen advised he was assigned to an interstate detail on April 4, 2021. He heard transmissions on the radio about subjects running so he responded to the area of Tchulahoma and Democrat. The suspects were in custody when he arrived. Officer Brooks' squad car was on a yellow post or some type of guard rail. He was not involved in a vehicle pursuit.

Principal Employee Taiyuan Brooks advised he was working Mt. Moriah Charlie shift and assigned car number 341 on April 4, 2021. He and Officer Malone checked the area of Marlene and Kathy relative to a drag racing complaint. He did not see any activity. Officer Malone stated over the radio there were 10 to 15 ATVs in the area of Knight Arnold and Lamar so he headed in that direction. He passed Officer Malone but slowed down because there was an ATV between himself and Officer Malone's vehicle. He stated the ATV driver was weaving in and out so he turned to the right and the ATV struck his squad car. He elaborated he was getting out of the way of the ATV. He apprehended the driver. He stated the suspect stated he was having difficulty breathing so the Memphis Fire Department was called to the scene soon after by Officer Malone. The squad car had damage to the right passenger side fender. He observed additional ATVs in the area of Knight Arnold and Tchulahoma so he went toward those drivers. He stated he was focused on one driver at that time. He advised he made comments to the driver on the PA to stop and he was going to get him. The ATV driver had entered a lot he was familiar with and he knew there was nowhere for the driver to go from there. He stated he was concerned the ATV driver may get out of the contained area and be injured by other traffic so he attempted to block him into the contained area. He hit the gas pedal at the same time the ATV accelerated so he hit his brake causing him to slide and come to rest on the pole. He stated he did not know he had made contact with the ATV.

Officer Brooks confirmed he was attempting to make a traffic stop utilizing his blue lights and siren. He stated the violations were drag racing, reckless driving, speeding, and vandalism. None of the ATV drivers responded to his attempts to pull them over. He did not communicate on the radio regarding the pursuit. He confirmed he was driving in the oncoming traffic lanes on Tchulahoma and Democrat. He stated he was attempting to get closer to the ATV driver and when he realized his actions, he moved out of oncoming lanes. He stated at the time the drivers of the ATVs were not suspected of committing a violent felony.

Officer Brooks stated he has previously been involved in an accident while on-duty in a Memphis Police car. He also stated he notified a supervisor at the time of the accident. Officer Brooks stated he knew he was involved in an accident at Knight Arnold and Linda and confirmed he did not notify a supervisor at that time.

Officer Brooks utilized in-car video and body cameras during this incident. After the incident at Tchulahoma and Democrat, he stopped the recordings on both the body camera and in-car systems. He stated he disabled the systems because the suspect was in custody.

Principal Employee Antonio Malone advised he was working Mt. Moriah Charlie shift and assigned car number 361 on April 4, 2021. He responded to the area of Marlene and Kathy regarding vehicle drag racing. He noticed tire tracks in the area. He approached Lamar and Pearson and observed the traffic obstructed by 10 to 15 ATVs. He followed the ATVs on Knight Arnold from Lamar at which time an ATV obstructed his path so the other vehicles could flee the area. He initiated his lights to make a traffic stop as he was beside the ATV and attempted to motion for the driver to pull over. The ATV drivers did not stop for the officers. Officer Malone attempted to stop the driver for less than half a mile and only a few seconds had elapsed, he did not notify the dispatcher over the radio during the pursuit. He stated Officer Brooks "came over" at Knight Arnold and Linda causing the two vehicles to collide. Justin Griham fell off the ATV and was taken into custody. He observed road rash on his body. Paramedics were called to the scene. He followed an ambulance to the hospital, it was later determined after an x-ray Justin Griham had a broken rib. Officer Malone stated his in-car video and body camera were functioning, but he did not have any body camera footage of any events on that day.

B) Physical Evidence: N/A

C) Forensic Evidence: N/A

D) Recorded Evidence:

- Typed Statements
- CD containing recorded statements
- Several CD's containing Body Camera Video Footage
- Several CD's containing In-Car Video Footage
- CD containing communications recordings
- Offense Report 2104001367ME
- STIS Crash Report WC2108451
- STIS Crash Report WC2108442
- Incident Report
- Media Reports
- Officer Brooks Body Camera Log
- Officer Malone Body Camera Log
- Photos of P#3202

E) Miscellaneous Evidence: N/A

VII) AG Review:

The completed case file will be submitted to the Shelby County District Attorney General's office for review pending any disciplinary or corrective action administered for Excessive or Unnecessary Force at the conclusion of all internal disciplinary hearings.

VIII) Analysis:

The primary issue related to this investigation centers upon the actions of **Officer Taiyuan Brooks #14148** and whether his actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR-104 Personal Conduct**.

The Memphis Police Department's DR 104 Personal Conduct states:

The conduct of each member, both on and off-duty, is expected to be such that it will not reflect adversely on other members, the Department, the City of Memphis, or the law enforcement profession. This regulation applies to both the professional and private conduct of all members. It includes not only all unlawful acts by members but also acts which, although not unlawful in themselves, would violate either the Law Enforcement or Civilian Code of Ethics, and would degrade or bring disrespect upon the member or the Department.

Officer Brooks became engaged in a response to ATVs driving recklessly while on patrol. During this response, he collided two ATVs in an attempt to apprehend the drivers. One of the collisions was recorded by a civilian and immediately posted to social media sites. This video was replayed on local news stations; which reflected negatively on the Memphis Police Department and its members.

Another issue related to this investigation centers upon the actions of **Officer Taiyuan Brooks #14148** and whether his actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR-301 Excessive/Unnecessary Force**.

The Memphis Police Department's DR 301 Excessive/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.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the

severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

Graham v. Connor (US 1989) is the landmark US Supreme Court case that defines reasonable use of force by police officers in the line of duty. As such, this standard was applied in defining the Memphis Police Department's use of force policies, which are contained in the Memphis Police Department Policies and Procedures Manual, Chapter 2, Section 8, Response to Resistance, pages 1-11.

The ruling in **Graham V. Connor** holds that all claims that law enforcement officials had used excessive force --deadly or not— in the course of an arrest, investigatory stop, or other 'seizure' of a free citizen, are properly analyzed under the Fourth Amendment's "objective reasonableness" standard.

The "reasonableness" of a particular use of force must be judged from the perspective of a **reasonable officer on the scene**, rather than with the "20/20 vision of hindsight."

The test of reasonableness is **not capable of precise definition or mechanical application**. Its proper application requires careful attention to the facts and circumstances of each particular case, including:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of the officers or others; and
3. Whether he/she is actively resisting arrest or attempting to evade arrest by flight.

This "objective reasonableness" standard was applied during the investigation of '**drag racing, reckless driving, speeding, and vandalism**' by **Officer T. Brooks at Knight Arnold and Linda**. The three standards applied in **Graham v. Connor** were used to determine the reasonableness of the use of force applied by **Officer T. Brooks** and revealed the following.

1. The Crime at issue in this investigation is ***drag racing, reckless driving, speeding, and vandalism***, all misdemeanors in the State of Tennessee.
2. The suspect, Justin Griham, was occupying an ATV on the roadway. He did not pose a threat to Officer Brooks or civilians in the area.
3. Justin Griham refused to stop his vehicle as officers utilized blue lights and sirens to initiate a traffic stop.

In the area of Knight Arnold and Linda, Officer Brooks turned his squad car abruptly to the right causing ATV driver, Justin Griham, to crash into the passenger side of P#3202.

Justin Griham was thrown off the ATV over the hood of the squad car coming to rest on the ground. He received road rash and a broken rib according to Officer Malone. Officer Brooks stated he was moving to get out of the way of the ATV. A review of the in-car video footage from Officer Malone's car showed Officer Brooks intentionally swerved left and then right to prevent the ATV from passing.

Given the 'objective reasonableness' standard applied in the *Graham v. Connor* case; it was not reasonable nor justified for Officer Brooks to utilize his vehicle as a means to stop Justin Griham considering the severity of the crimes being committed.

This "objective reasonableness" standard was applied during the investigation of '**drag racing, reckless driving, speeding, and vandalism**' by *Officer T. Brooks at Tchulahoma and Democrat*. The three standards applied in *Graham v. Connor* were used to determine the reasonableness of the use of force applied by *Officer T. Brooks* and revealed the following.

1. The Crime at issue in this investigation is **drag racing, reckless driving, speeding, and vandalism**, all misdemeanors in the State of Tennessee.
2. The suspect, Emmanuel Meniru, was occupying an ATV off the roadway. He did not pose a threat to Officer Brooks or civilians in the area.
3. Emmanuel Meniru refused to stop his vehicle as officers utilized blue lights and sirens to initiate a traffic stop.

In the area of Democrat and Tchulahoma, Officer Brooks drove his squad car over a curb directly at ATV driver, Emmanuel Meniru, striking the rear of the ATV. A review of the in-car video footage shows the crash and the officer's actions. Officer Brooks stated he was attempting to block the ATV driver into an enclosed area to prevent the vehicle from getting onto the street and being struck by another vehicle. After reviewing the in-car footage of the entire encounter, the ATV driver was placed in more danger by the actions of Officer Brooks attempting to execute a traffic stop. Officer Brooks forced the ATV driver into oncoming traffic and off the roadway.

Given the 'objective reasonableness' standard applied in the *Graham v. Connor* case; it was not reasonable nor justified for Officer Brooks to utilize his vehicle as a means to stop Emmanuel Meniru considering the severity of the crimes being committed.

The Response to Resistance Continuum of the Memphis Police Department is as follows:

- Physical Presence
- Verbal Warnings
- Verbal Commands
- Chemical Agents
- Empty Hands Control (Soft and Hard)
- Impact Weapons/Less Lethal/MPD Canine
- Deadly Force

This is a dynamic continuum where an officer may be justified in instantly escalating from the lowest level of force to the highest without having to utilize each level of force in between.

The body-worn camera footage of Officer Brooks recorded his comments during these incidents. After taking Justin Griham into custody at Knight Arnold and Linda, Officer Brooks can be heard making a comment to Officer Malone which sounded like, "I'm fixing to go hit one of these other ones." Officer Brooks denied making that comment. He advised he said, "I'm fixing to go get one of the other ones." Officer Brooks also made comments to Emmanuel Meniru when he was attempting to stop his ATV. He said, "I'm gonna get your ass, I'm gonna get your ass motherfucker." These comments in addition to the direct actions suggest the intention was to strike the ATV driver to end the pursuit that was taking place.

These actions by Officer Brooks were unnecessary and constitute an unnecessary use of force in the apprehension of both Justin Griham and Emmanuel Meniru.

Another issue related to this investigation centers upon the actions of **Officer Taiyuan Brooks #14148** and whether his actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR-803 Rough or Careless Handling of City or Department Property**.

The Memphis Police Department's DR 803 Rough or Careless Handling of City or Department Property states:

A member shall use due care in handling City, State, County or Federal government equipment, or property issued to them in the performance of their duties. A member shall immediately report any damaged, lost or unserviceable equipment or property in their care. A member shall not willfully or negligently lose, alter, damage, or destroy City, State, County or Federal government issued equipment or property in their care.

While attempting to stop several ATVs for reckless driving; Officer Brooks was involved in multiple vehicle accidents. The first occurred at Knight Arnold and Linda when Officer Brooks turned right blocking the path of an ATV driver which resulted in a collision. The second occurred at Tchulahoma and Democrat when Officer Brooks ran over a curb to attempt to box an ATV driver into an enclosed, fenced area. The ATV and squad car collided at this incident as well. Additionally, Officer Brook's squad car became high centered on a pole extending out of the ground preventing any further movement of the vehicle.

The video evidence from the in-car camera of Officer Malone provides a clear view of the incident at Knight Arnold and Linda. The ATV driver appears to move left and Officer Brooks' squad car moves left as well. As the ATV driver begins to move right Officer Brooks' squad car quickly moves right also causing the collision. Although Officer Brooks stated he was attempting to avoid the ATV driver; the video evidence does not corroborate with his statement.

The video evidence from the in-car footage of Officer Brooks provided a clear view of the incident at Tchulahoma and Democrat. Officer Brooks said in his statement he intended to block the ATV into an enclosed area. To meet his intentions, he accelerated over a curb onto a grassy area and came to rest on a pole. During this incident, there was a collision with the ATV driver as well.

The squad car driven by Officer Brooks endured significant damage on the passenger side and front. The actions of Officer Brooks regardless of his intentions caused significant damage to P#3202.

Another issue related to this investigation centers upon the actions of **Officer Taiyuan Brooks #14148** and whether his actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR-120 Neglect of Duty**.

The Memphis Police Department's DR 120 Neglect of Duty states:

- A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.*
- B. A member with supervisory responsibility is required to properly supervise their subordinates in compliance with the above, and the failure of any supervisor to do so through deliberateness, carelessness, neglect, or inefficiency shall be a violation.*

Officer Brooks was involved in two on-duty vehicle accidents. The first occurred at Knight Arnold and Linda when he turned into the path of an ATV and the vehicles collided. The second occurred at Tchulahoma and Democrat when he jumped the curb and struck with the front of his vehicle an ATV attempting to get away from him.

Officer Brooks did not notify his supervisor after he was involved in an accident at Knight Arnold and Linda. He verified he has been involved in an accident on-duty in the past and he understood supervisor notification was necessary.

Another aspect of the neglect of duty policy relates to the request by Justin Griham for his helmet to be removed. Justin Griham was taken into custody at Knight Arnold and Griham, he was face down in the prone position with handcuffs on his wrists. He requested his helmet to be removed because he was having difficulty breathing. Officer Brooks did not assist him. Officer Brooks stated in his statement he called for an ambulance. He did not call for an ambulance nor did he remove the helmet. A review of his body camera footage recorded his actions. His response to Justin Griham was, "You

need a helmet on, for your safety. You were breathing when your ass was running. You'll be alright."

Officer Brooks neglected his duties when he failed to report an on-duty crash to his supervisors. He also neglected his duties when he did not assist Justin Griham after he expressed difficulty breathing.

Another issue related to this investigation centers upon the actions of **Officer Taiyuan Brooks #14148** and **Officer Antonio Malone #13116**; and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR-101 Compliance with Regulations to wit: Vehicle Operation and Pursuit Policy**.

The Memphis Police Department's DR 101 Compliance with Regulations states:

Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department.

MPD P&P Chapter 13, Section 6, Vehicle Operation and Pursuit Policy, page 5-6 states:

Authorized Vehicle Pursuits

A. Vehicle pursuits are authorized only when an officer has probable cause to believe that one or more occupants of a fleeing vehicle have committed a Violent Felony. In those cases, the officer initiating the pursuit must activate lights and siren, then immediately provide the dispatcher with the following information: (41.2.2.b)

- 1. Unit number of officer requesting authorization to initiate pursuit*
- 2. Location and direction of travel*
- 3. Speed of vehicles involved*
- 4. Description of suspect(s) and suspect vehicle*
- 5. Applicable criminal charge(s) involving the suspect(s)*
- 6. Any other pertinent information, i.e., weapons, hostages, identity of person, etc.*

B. Authorization to pursue must be obtained from a supervisor at the rank of Lieutenant or above within one minute of pursuit origination or the pursuit must be terminated by the officer.

Vehicle Pursuits Prohibited:

Vehicle pursuits will be strictly prohibited under the following circumstances:

- 1. When the officer knows that the suspect is wanted only for a traffic violation, a misdemeanor, or a non-violent felony.*

2. *When the officer has failed to obtain supervisory approval within one minute of pursuit origination.*
3. *When the pursuit has reached an unacceptable level, as defined in Section II of this policy. (41.2.2.a)*
4. *When the officer fails to activate audible (siren) and visual (blue lights) signals upon initiation of a pursuit.*
5. *When the pursuing police vehicle(s) is occupied by anyone other than a commissioned police officer.*
6. *When the officer has reason to believe that his/her police vehicle is mechanically defective or otherwise unsafe for pursuit or emergency response.*

MPD P&P Chapter 13, Section 6, Vehicle Operation and Pursuit Policy, page 7-8 states:

Pursuit Procedures

A. Only emergency response vehicles will participate in vehicle pursuits. The emergency equipment (blue lights and siren) must be activated, not only to warn the pursued, but also to protect the officers and others on or near the roadways. Emergency response vehicles will notify the supervisor monitoring the pursuit that they are in pursuit in an unmarked vehicle. Upon availability of a marked vehicle, the unmarked vehicle will become the secondary unit. If a second marked vehicle becomes available the unmarked vehicle will abandon the pursuit and proceed to the termination point of the pursuit if the suspect is apprehended. (41.2.2.d)

B. Number of Police Units Participating: The pursuit shall be limited to the primary unit and a secondary unit. The primary unit is the police vehicle initiating the pursuit. The secondary unit is the second police vehicle joining the pursuit behind the primary unit. All other units shall stay clear of the pursuit. (41.2.2.d)

EXCEPTION: # 1 If an officer in a special purpose vehicle initiates the pursuit, he or she shall abandon the pursuit when a marked patrol unit joins the pursuit. The officer in the special purpose vehicle shall proceed to the termination point of the pursuit if the suspect is apprehended.

EXCEPTION: # 2 See VIII, F. Helicopter Assistance.

C. Primary Unit: The first responsibility of the unit initiating the pursuit (primary unit) is the apprehension of the suspects without unnecessary danger to themselves or other persons. Unless relieved by a supervisor, the officer in the primary unit shall be responsible for the broadcasting of the progress of the pursuit, controlling the pursuit tactics, and deciding if the pursuit should be abandoned. If the primary unit is unable to continue the pursuit, the secondary unit shall become the primary unit. (41.2.2.b, .c)

D. Secondary Unit: Officers in the secondary unit shall make the necessary notifications, assuring the dispatcher that no additional units join the pursuit. (41.2.2.c)

E. Pursuit Driving Tactics:

- 1. There shall be no paralleling of the pursuit route, unless the pursuit passes through a unit's assigned area. The paralleling unit shall not be operated under emergency conditions (blue lights and siren).*
- 2. The primary and secondary units shall be the only units operating under emergency conditions (blue lights and siren), unless other units are assigned to the pursuit by the Supervisor monitoring the pursuit.*
- 3. There shall be no caravanning of units paralleling the pursuit or attempting to join the pursuit.*
- 4. Officers involved in a pursuit shall not attempt to pass other units, unless requested to do so by the primary unit.*
- 5. In vehicle pursuits, the use of any of the following actions by an officer is prohibited:*
 - a. Using the police vehicle as a battering ram to force the vehicle being pursued to stop.*
 - b. Pulling alongside the vehicle in an effort to force the vehicle over, or pulling alongside the vehicle for any other reason.*
 - c. Using a police vehicle to block the path of a vehicle being pursued.*
 - d. Driving at unsafe speeds and violating traffic laws in order to join a pursuit when the officer's location is such a distance from the pursuit to make such an attempt impractical and unsafe. (41.2.2.g)*

Officer Brooks used his vehicle to block the path of an ATV driver at Knight Arnold and Linda. He stated he was attempting to get out of the way of the driver. His actions viewed on the in-car video of Officer Malone's footage clearly indicate his actions were to obstruct the path of the ATV.

Officer Brooks also became involved in a pursuit with Emmanuel Meniru who was occupying another ATV. While going north on Tchulahoma, Officer Brooks pulled alongside the ATV and forced it into oncoming traffic lanes. Officer Brooks followed in oncoming lanes as well. Officer Brooks continued to travel in oncoming lanes while the ATV was off the roadway. The interaction with Emmanuel Meniru lasted over two minutes. During that time, Officer Brooks never communicated on the radio he had a vehicle refusing to stop. The interaction ended when Officer Brooks's vehicle collided with the ATV which became entangled in a wire rendering the ATV inoperable.

The actions of Officer Brooks to utilize his vehicle to block the path of ATV drivers are not approved during a pursuit or traffic stop at any time.

Officer Malone was the initial officer to become involved with the ATV drivers in the area of Knight Arnold and Lamar. He attempted to make a traffic stop and utilized his

blue lights and siren. His vehicle speed was not excessive. One ATV driver began to slow down and Officer Malone stated he attempted to communicate with the driver by pointing him over to the side of the road. The ATV did not stop and continued further until its path was obstructed by the vehicle of Officer Brooks.

The distance from Knight Arnold and Lamar to Knight Arnold and Linda is approximately four-tenths of a mile. The time to drive that span traveling at routine speeds with regular traffic is approximately 55 seconds. It is reasonable to conclude Officer Malone did not get into a vehicle pursuit to the point he needed to notify a supervisor or cease the pursuit for safety purposes.

The final issue related to this investigation centers upon the actions of **Officer Taiyuan Brooks #14148** and **Officer Antonio Malone #13116**; and whether their actions transcend the standards of the Memphis Police Department. These standards are established in the Memphis Police Department's **DR-101 Compliance with Regulations to wit: In-Car Video/Body Worn Cameras**.

The Memphis Police Department's DR 101 Compliance with Regulations states:

Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department.

MPD P&P Chapter 13, Section 15, In-Car Video/Body Worn Cameras, page 3-5 states:

Use of BWC During the Shift

1. *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.*
2. *Officers shall activate their BWC when responding to all calls for service prior to making the scene of a dispatched call. In the event that recording was not started prior to making the scene of a dispatched call, an officer will activate the device as soon as reasonably possible.*
3. *Officers shall record all law-enforcement encounters and activities. Calls for service, self-initiated events (specials), and citizen contacts while not engaged in police activity are to be documented via BWC. It is not necessary for an officer to record in a constant state, but is required when his/her duties are being performed and allowed when otherwise prudent. It should be understood that under no circumstance shall an officer's safety be compromised in an effort to record an event.*
4. *Unless unsafe, impractical, or impossible, officers shall inform subjects that they are being recorded at the beginning of the contact (e.g. "Ma'am/Sir, I am advising you that our interaction is being recorded").*

5. *It should be understood that even when individuals are in various stages of undress, medically incapacitated, or in a location where video would otherwise be prohibited, BWC recording should continue. Videos will be redacted in a manner to reasonably protect privacy.*
6. *Once a recording event begins, the BWC shall remain activated until the event has concluded in order to conserve the integrity of the recording. Once an event has concluded, an officer will mark the conclusion of the recording verbally after clearing the call/special. In cases of arrest, an officer shall continue recording until custody is transferred.*
Exceptions: Should an officer have an activated BWC and respond to a call inside of a location that is out of view of the ICV system, the officer may discontinue the ICV recording (e.g. indoor report calls, crime scenes, and other police related events). Should the call progress back towards the car and contact with another individual is made, the event should be recorded by the ICV system.
7. *Officers will document the fact that a BWC video was or was not captured on all incident reports, arrest tickets, misdemeanor citations, summons, and traffic citations. This documentation will be referenced by the Computer Aided Dispatch number written on/in the document. In the event that the BWC was not activated, terminated early, or otherwise interrupted, a supervisor will be immediately notified.*
8. *Officers will be permitted to review their own BWC video when preparing official documents. Officers may only view content on their assigned device and not those devices of other department members when preparing an official document. The supervisor must also review the BWC video prior to completing or approving official reports involving response to resistance/use of force. The viewing will be utilized as a tool when completing written reports to ensure the accuracy and consistency of events. The availability of this review does not supersede policy directives governing the circumstances in which an event must be recorded. An officer may not simply stop recording in order to complete a report unless policy permits (e.g. cleared the scene, supervisor approval, etc.).*

The following situations are exceptions to the above policy statement:

- a. *If the officer is involved in (or witness to) a use of force incident that per policy requires the response of an Inspectional Services Bureau investigator, only after the ISB investigator has been consulted and approved may an officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from the ISB investigator acting under the direction of the commander of ISB.*
- b. *If the officer is involved in (or witness to) a critical incident, such as a police shooting or an in-custody injury resulting in death, only after the commander of ISB and commander of Homicide have been consulted and approved may the officer be authorized to view their BWC recording. The viewing of any BWC recording will only be permitted after receiving authorization from both commanders and/or their designees.*

9. *Officers are responsible for the labeling and the categorization of videos they produce. The videos will be categorized in accordance with the available choices in the system. Officers will obtain the Computer Aided Dispatch number either through an automated feature, from the dispatcher, or through a manual lookup and entered in the ID field. (41.3.8G) Officers who categorize videos incorrectly may be subject to discipline.*
10. *Activation of the BWC is not required during periods of unassigned time, breaks or lunch periods.*
11. *Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.*

Officer Brooks ended his body camera recording immediately after he stopped pursuing Emmanuel Meniru on foot. Soon after, his body camera was activated again when a passing squad car had blue lights activated. Officer Brooks again stopped the recording. In his statement, he advised he stopped recording when the suspect was in custody. The policy does not allow for the recording to be ended until the custody is transferred in order to preserve the integrity of the recording.

Officer Brooks ended his in-car video recording as well. At the time the recording was ended, he appeared to be trying to move his squad car from the pole it came to rest above.

On the body camera footage of Officer O'Brien, Officer Brooks can be seen and heard commenting on moving his squad car from the pole. Considering he ended multiple recordings and was on video attempting to move his car, it is reasonable he intentionally stopped the recording in violation of the stated policy.

Officer Malone did not record body camera footage on April 4, 2021. He stated he has had problems with the body camera starting when the blue lights are activated. The body camera button audit indicated his body camera was not powered on at the time of this incident, thus, it would not have started a recording when the blue lights were activated.

IX) Conclusion

Based on the facts of the case, the preponderance of evidence shows that, Officer Taiyuan Brooks #14148 **IS** in violation of the stated allegation, **DR-104 Personal Conduct**. The allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence shows that, Officer Taiyuan Brooks #14148 **IS** in violation of the stated allegation, **DR-301 Excessive/Unnecessary Force**. The allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence shows that, Officer Taiyuan Brooks #14148 **IS** in violation of the stated allegation, **DR-803 Rough or Careless Handling of City or Department Property**. The allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence shows that, Officer Taiyuan Brooks #14148 **IS** in violation of the stated allegation, **DR-120 Neglect of Duty**. The allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence shows that, Officer Taiyuan Brooks #14148 **IS** in violation of the stated allegation, **DR-101 Compliance with Regulations to wit: Police Vehicle Operation/Pursuit Policy**. The allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence shows that, Officer Taiyuan Brooks #14148 **IS** in violation of the stated allegation, **DR-101 Compliance with Regulations to wit: In-Car Video / Body Worn Cameras**. The allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence shows that, Officer Antonio Malone #13116 **IS NOT** in violation of the stated allegation, **DR-101 Compliance with Regulations to wit: Police Vehicle Operation/Pursuit Policy**. The allegation is **NOT SUSTAINED**.

Based on the facts of the case, the preponderance of evidence shows that, Officer Antonio Malone #13116 **IS** in violation of the stated allegation, **DR-101 Compliance with Regulations to wit: In-Car Video / Body Worn Cameras**. The allegation is **SUSTAINED**.