

HEARING SUMMARY FORM

1252-19

Hearing:

03/8/22

Date

0800hours

Time

Location: Crump Station

Attended by: Officer Anthony Henderson
Officer Keeley Greer
Lt. Roosevelt Twilley

Hearing Officer: Colonel Debbie Jackson #4392

Statement of Hearing Officer: On Friday, February 4, at 0800 hours, Colonel Debbie Jackson #4392 held an Administrative Hearing at Crump Station for Officer Anthony Henderson for violation of DR 301 Excessive/Unnecessary Force & DR - 101 Compliance with Regulations to wit: Response to Resistance

ACTION ORDERED:

301 RR
DR 103 - Excessive/ Unnecessary Force - *Sustained: 7 day SWOP/C81HR De-escalation*
101 RR
DR 104 - Compliance with Regulations to wit: Response to Resistance - *Sustained: Written Reprimand*

Colonel Debbie Jackson #4392
Hearing Officer
3/30/22

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 dependent 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 _____ X Will Not Be Filed *RR*

Grievance: _____ Will _____ X Will Not Be Filed *RR*

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.

3/30/22

Date

[Signature]
Employee Signature

HEARING SUMMARY

Continuation

1252-19

Hearing Summary Form

SOC #1252-19

The hearing began with the statement of particulars being read: On December 12, 2019, you became involved in a foot pursuit after a suspect fled from a vehicle. The suspect was located at [REDACTED] Carpenter and placed into custody by other officers. When you went to the location the suspect was being walked out to the street in handcuffs. You attempted to grab the suspect's face when he pulled away from your hand. You then slapped the suspect. You stated you were attempting to prevent the suspect from spitting on you. The body camera evidence does not corroborate your statement. Your actions place you in violation of **DR 301 Excessive/ Unnecessary Force which states:**

DR 301 EXCESSIVE FORCE/UNNECESSARY FORCE

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.

UNNECESSARY FORCE: Unnecessary force is that force or violence that is unprovoked, needless, or not required when making an arrest or dealing with a prisoner or any person. Officer shall **NEVER** use Unnecessary Force.

When you slapped the suspect, your use of force fell into the category of empty hands control. You did not complete a Response to Resistance Form which places you in violation of **DR 101 Compliance with Regulations to Wit: Response to Resistance 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.

Chapter II Section 8 Response to Resistance Subsection III Response to Resistance Incidents

Section B States:

It is the responsibility of the officer utilizing less than lethal force to complete a *Response to Resistance* incident in Blue Team on all incidents involving:

1. The use of any part of the officer's body to compel compliance. This would include uses of force that fall in level 5 (Empty Hands Control) of the response to resistance continuum. (1.3.6d)
2. Chemical agent use. (1.3.6c)
3. The discharge of a SL-6/IDS and CEW deployment event (1.3.6c)
4. The use of an MPD canine to apprehend a suspect.
5. The use of the Baton/Expandable Baton. (1.3.6c)
6. Whenever a suspect is charged with **T.C.A. 39-16-602 Resisting Arrest**.
7. Whenever there is a death, injury, or an alleged injury to an officer or suspect(s), as a result of police utilizing less than lethal force.

Officer Anthony Henderson was given the opportunity to respond to the alleged allegations. Prior to his statement, Officer Henderson was given the opportunity to view his BWC footage captured of the incident. After viewing the footage, the hearing officer asked if he admitted or denied the allegations made against him for Excessive Force/Unnecessary Force. Officer Henderson stated, "No that did not meet the criteria for "Excessive Force." When asked if he confirm or deny the "Unnecessary Force", he stated "Yea, I think you can make an argument there, for sure." For the allegation of Compliance with Regulations to wit: Response to Resistance, Officer Henderson confirmed that he did not complete a Response to Resistance Form. The Hearing Officer gave Officer Henderson the opportunity to explain. Officer Henderson stated, "there's no real explanation for it and we all saw the video." "Officer Henderson stated it was two years ago and it was a volatile situation where a car pulled away from a fellow officer, a foot chase ensued and it was a lot of things going on." Officer Henderson stated that if he is ever in a situation like this one, he will not handle it like he did this one. He stated he would complete a Response to Resistance Form for compliance.

Officer Keeley Greer was allowed to comment on the matter. Officer Greer "stated that he has been working with Officer Henderson for over 3 years now and he thinks this was a one-time anomaly. He stated Officer Henderson's attitude and work attitude has grown exponentially in the last three years." Officer Greer stated "If you look at Officer Henderson's statistics for 2022, he has gotten more than sixty guns off the street and has become the Top Cop for the year. Officer Greer stated that Officer Henderson had just recently been spit on a week ago prior to this incident. Henderson had thoughts of being spit on and was afraid of the same thing happening. Officer Henderson's attitude has completely changed within the last three years. He has become a CIT Officer and he is still working and making great arrests including felony arrests and getting guns off the streets.

Lt. Twilley was allowed to comment on the matter. Lt. Twilley stated that "Officer Henderson's work ethic speaks for itself." Lt. Twilley "stated that since 2019, Henderson has grown. He left Tillman Station and has been under his (Lt. Twilley) leadership, and there have been no other complaints of 'Excessive Force or Unnecessary Force'. Lt. Twilley "stated that Officer Henderson realizes that he could have handled this situation differently." Lt. Twilley stated that Officer Henderson's character

drives him to work hard and he does things to better himself. Lt. Twilley stated that it is hard to find an officer with good character and great work ethic.

The administrative hearing concluded at 9:30am.

The Administrative Hearing was reconvened by Colonel Debbie Jackson on March 30, 2022 at 8:30am. Present at the reconvening was Officer Anthony Henderson, Officer Keeley Greer and Lt. Roosevelt Twilley.

Colonel Debbie Jackson

During the administrative hearing, the following facts were gathered and/or developed:

On December 12, 2019, you became involved in a foot pursuit after the suspect, Mr. Whitfield fled from a vehicle. The suspect was located and placed into custody by other officers. When you went to the location the suspect was being walked out to the street in handcuffs by other officers. During the administrative hearing, Officer Henderson admitted that he grabbed the suspect's face to check for injuries and the suspect pulled away from his hand. Officer Henderson admitted that he then slapped the suspect. Officer Henderson stated he was attempting to prevent the suspect from spitting on him. The incident was captured on Officer Henderson's BWC. After a review of the body camera footage of Officer Henderson, it did not appear that Whitfield had any intentions to spit on Officer Henderson. There were no actions or body language to corroborate the statement of Officer Henderson. The objective reasonableness standard outlines that the force used is judged from the perspective of a reasonable officers on the scene. There were three other officers on the scene that are deemed to be reasonable that witnessed the incident and in their statements, they advised that Whitfield did not offer any resistance. Mr. Whitfield did not pose an immediate threat to the safety of the officers and was not actively resisting arrest or attempting to evade arrest and was compliant which is also shown on the BWC.

Based on documented evidence and your statement, the Hearing Officer hereby find Officer Anthony Henderson in violation of DR 301 Excessive/Unnecessary Force. Therefore, the charge is SUSTAINED and (7) days suspension without pay is ordered. He is also ordered to attend (8) hours de-escalation training.

Officer Henderson stated he was checking Mr. Whitfield for injuries when Whitfield turned his head away from him. Officer Henderson thought that Whitfield may be preparing to spit on him so he gave Whitfield a open-handed smack on his left cheek. Officer Henderson did not complete a Blue Team Response to Resistance entry regarding his use of force with Joshua Whitfield.

With these facts in mind, The Hearing Officer hereby find Officer Anthony Henderson in violation of DR 101 Compliance with Regulations to wit: Response to Resistance. Therefore, the charge is SUSTAINED and a Written Reprimand is ordered.

Officer Henderson's disciplinary resume was read and there was no previous violation for DR 301, Excessive/Unnecessary Force or DR 101, Compliance with Regulation to wit Response to Resistance.

Officer Henderson's actions demonstrates the need for de-escalation training. Officer Henderson will be ordered to attend mandatory (8) hours de-escalation training course at the Memphis Police Department's Training Academy.

**Action Ordered: 7-day SUSPENSION & (8) Hours De-escalation Training
WRITTEN REPRIMAND**

SWOP Days: March 31, April 1, 2, 5, 6, 7, and 8.
Officer Henderson will return April 9, 2022.



MEMPHIS POLICE DEPARTMENT

Suspension Letter

Date: March 30, 2022



**PII Anthony Henderson #13034
Crump Station Alpha
949 E.H. Crump Blvd.
Memphis, Tennessee 38104**

Re: (7) Day Suspension, Written Reprimand & De-escalation Training

Deputy Chief Wright,

On February 4th, 2022 an administrative hearing was held by Colonel Debbie Jackson at Crump Station regarding charges filed against Officer Anthony Henderson for violation of **DR 103 Excessive Force/Unnecessary Force – (7) day SWOP, DR 101 Compliance with Regulation to wit: Response to Resistance –Written Reprimand and (8 hrs De-escalation Training).**

After careful consideration of all the information pertinent to this case, the above charges were **SUSTAINED.**

Colonel Debbie Jackson ordered (7) days suspension without pay starting on Thursday, March 31, 2022, and continuing through April 1st, 2nd, 5th, 6th, 7th & 8th, 2022. This action will allow for opportunity to apply corrective measures, with the understanding that future occurrences may result in more severe disciplinary action. In addition to the SWOP days you will be required to attend a Mandatory (8 hours) of De-escalation Training at the Training Academy.

A copy of this letter is being placed in your personnel file for review.

Respectfully,

Colonel D. Jackson

Colonel Debbie Jackson
Crump Station Commander



MEMPHIS POLICE DEPARTMENT
Crump Station
Written Reprimand



Date: 3-30-22

Employee's Name: Officer Anthony Henderson IBM: 13034 Rank: PII

Policy Number Violated: DR #101 – Compliance with Regulations to Wit: Response to Resistance
Statement of Charge Number: # 1252-19

Circumstances:

On December 12, 2019, you became involved in a foot pursuit after a suspect fled from a vehicle. The suspect was located at [REDACTED] Carpenter and placed into custody by other officers. When you went to the location the suspect was being walked out to the street in handcuffs. You attempted to grab the suspect's face when he pulled away from your hand. You then slapped the suspect. You stated you were attempting to prevent the suspect from spitting on you. When you slapped the suspect, your use of force fell into the category of empty hands control. You did not complete a Response to Resistance Form which places you in violation of DR 101 Compliance with Regulations to Wit: Response to Resistance 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. Chapter II Section 8 Response to Resistance Subsection III Response to Resistance Incidents Section B States: It is the responsibility of the officer utilizing less than lethal force to complete a Response to Resistance incident in Blue Team on all incidents involving: (1) The use of any part of the officer's body to compel compliance. This would include uses of force that fall in level 5 (Empty Hands Control) of the response to resistance continuum. (2) Chemical agent use. (3) The discharge of a SL-6/IDS and CEW deployment event (4) The use of an MPD canine to apprehend a suspect. (5) The use of the Baton/Expandable Baton. (6) Whenever a suspect is charged with T.C.A. 39-16-602 Resisting Arrest. (7) Whenever there is a death, injury, or an alleged injury to an officer or suspect(s), as a result of police utilizing less than lethal force.

Colonel [Signature]
Supervisor's Signature

3/30/22
Date

[Signature]
Officer's Signature

3/30/22
Date

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

Administrative Summons

**Memphis Police Department VS.
Henderson, Anthony IBM: 13034**

**Date: April 28, 2021
ISB Case #: I2021-022**

I. Allegation

It is alleged that you slapped a handcuffed suspect during an arrest on December 12, 2019 at Carpenter Street.

II. Rules, regulations or orders violated.

**DR 301 Excessive/Unnecessary Force
DR 101 Compliance with Regulations to wit: Response to Resistance**

III. Hearing

Date: Feb 4th, 2022 (Friday)
Place: Crump Station
Time: 0800

You are entitled to representation during this hearing.

Served by:

Det. A. V. P. #3246
Name/Rank/Assignment/IBM

Date:

Jan 31-2022

Time:

0845

Signature of Officer:

[Signature] 13034

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.

City of Memphis
Police Division, Inspectional Services Bureau
Case Summary I2021-022

Printed On: 5/20/2021

I) Principal Employee:

Police Officer II Anthony Henderson #13034 Crump Station - "A"

II) Administrative Regulation:

DR 301 Excessive/Unnecessary Force
DR 101 Compliance with Regulations – to wit: Response to Resistance

III) Allegation:

It is alleged that Officer Anthony Henderson used unnecessary force during the arrest of Joshua Whitfield on December 12, 2019.

IV) Background:

Joshua Whitfield was arrested by Tillman Station Officers on December 12, 2019. He was charged with Convicted Felon in Possession of a Handgun, Driving while License Sus/Rev/Can, two counts of Evading Arrest, Possessing a firearm during the commission/attempt to commit a dangerous felony, and Possession of Controlled Substance with Intent to Man/Del/Sell. The body camera footage of this arrest was reviewed by the Assistant United States Attorney of the Western District of Tennessee. Officer Henderson was observed on the footage slapping Joshua Whitfield while he was in handcuffs. An administrative investigation was opened to determine if any policy violations occurred during the arrest of Joshua Whitfield.

V) CAD #:

P19346005

VI) Evidentiary Findings:

A) Statements:

Witness Employee Christopher Martinez stated he was assigned to 22's ward patrol at Tillman Station on December 12, 2019. He checked the area of Carpenter and Faxon for a suspect that had fled from a vehicle. He went around the back of a shed and took the suspect into custody. Joshua Whitfield was compliant and did not resist arrest. Martinez did not use any force when taking Whitfield into custody. He did not observe any other officers strike Joshua Whitfield.

Witness Employee Andrew Linn stated he was assigned to 564 Alpha at Tillman Station on December 12, 2019. He checked the area of Carpenter and Faxon to assist in the search for a suspect that had fled from a vehicle. He located the suspect hiding under a shed. The suspect was taken into custody without incident. He did not strike Joshua Whitfield or observe any other officers strike Joshua Whitfield.

Witness Employee Deandre Grandison stated he was assigned to 523's ward at Tillman Station Delta shift on December 11, 2019. He checked the area of Carpenter and Faxon to assist with the search of a suspect who fled from a vehicle. The suspect was located behind a house and taken into custody. He searched under a shed and located a backpack that belonged to the suspect. He did not assist with handcuffing Joshua Whitfield. He stated Whitfield was compliant and did not resist arrest. He did not strike Joshua Whitfield or observe any other officers strike Joshua Whitfield.

Principal Employee Anthony Henderson stated he was assigned 555 Alpha at Tillman Station on December 12, 2019. He pulled over to assist another officer when a vehicle fled from a traffic stop. He followed the suspect vehicle. The driver turned onto a dead-end street and fled on foot from the vehicle. The suspect was located a short time after by other officers in the area. Officers were walking towards him with the suspect so he checked the suspect for injuries. He reached up to grab the suspect's face and he pulled away. Officer Henderson stated he has been spit on in the past so he gave the suspect an open hand smack on his left cheek to prevent him from spitting. The suspect did not have any visible injuries. He took the suspect to Regional One for clearance before transporting him to jail. He did not complete a Response to Resistance form.

B) Physical Evidence: N/A

C) Forensic Evidence: N/A

D) Recorded Evidence:

- Joshua Whitfield Arrest Ticket
- Joshua Whitfield Affidavit of Complaint
- Joshua Whitfield Arrest History
- Raney Irwin Informational email
- Lt. Keith Morris Informational email
- CD containing recorded statements
- CD containing body camera footage
- Typed statements
- Offense Report #1912005633ME

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 Anthony Henderson 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 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 the performance of their duties when making an arrest or in dealing with a prisoner or any person.

Unnecessary Force: *Unnecessary Force is that force or violence that is unprovoked, needless, or not required when making an arrest or dealing with a prisoner or any person. Officer shall NEVER use Unnecessary Force.*

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 “Convicted felon in possession of a handgun, Possessing a firearm during the commission/attempt to commit a dangerous felony, and Possession of a controlled substance with intent to man/del/sell to wit: marijuana” by ***Officer A. Henderson*** at **█** ***Carpenter***. The three standards applied in ***Graham v. Connor*** were used to determine the reasonableness of the use of force applied by ***Officer A. Henderson*** and revealed the following.

1. The Crime at issue in this investigation is **Convicted felon in possession of a handgun, Possessing a firearm during the commission/attempt to commit a dangerous felony, and Possession of a controlled substance with intent to man/del/sell to wit: marijuana**, felonies in the State of Tennessee.
2. The suspect, Joshua Whitfield, fled in a vehicle from a traffic stop and on foot. He did not pose an immediate threat to the Officers on the scene.
3. Joshua Whitfield complied with the officers’ commands and was taken into custody without incident.

Officer Henderson was not present when Joshua Whitfield was taken into custody. He arrived shortly after when officers were escorting Whitfield, while handcuffed, to a squad car. Officer Henderson approached and reached up to Joshua Whitfield’s face to check him for injuries. Joshua Whitfield turned his face away from Officer Henderson. Officer Henderson then open hand slapped Joshua Whitfield in the face.

Officer Henderson stated that he thought the suspect was going to spit on him. After a review of the body camera footage of Officer Henderson, it did not appear that Whitfield had any intentions to spit on the officer. There were no actions or body language to corroborate the statement of Officer Henderson.

Joshua Whitfield was complaint and handcuffed when he encountered Officer Henderson. He was taken into custody without incident and did not offer any resistance to officers involved on the scene.

Given the “objective reasonableness” standard applied in the *Graham v. Connor* case; it was not reasonable nor justified for Officer Henderson to slap Joshua Whitfield during this encounter.

The secondary issue related to this investigation centers upon the actions of Officer Anthony Henderson and whether his 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: Response to Resistance which states in part:**

DR101 Compliance with Regulations:

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

Chapter II Section 8 Response to Resistance Subsection III Response to Resistance Incidents Section B:

It is the responsibility of the officer utilizing less than lethal force to complete a Response to Resistance incident in Blue Team on all incidents involving:

- 1. The use of any part of the officer’s body to compel compliance. This would include uses of force that fall in level 5 (Empty Hands Control) of the Response to Resistance Continuum.*
- 2. Chemical agent use.*
- 3. The discharge of a SL-6/IDS and CEW deployment event.*
- 4. The use of an MPD canine to apprehend a suspect.*
- 5. The use of the Baton/Expandable Baton.*
- 6. Whenever a suspect is charged with T.C.A. 39-16-602 Resisting Arrest.*
- 7. Whenever there is a death, injury, or an alleged injury to an officer or suspect(s), as a result of police utilizing less than lethal force.*

The Response to Resistance incident will be submitted to the supervisor for approval prior to the end of the officer’s shift. The Supervisor will ensure that the report has been completed, and will review the incident for any departmental concerns regarding policy and procedures, training, equipment and/or officer conduct. If the Supervisor recognizes that one of these areas needs to be reviewed and addressed by the Memphis Police Department, only then will he/she submit the concerns in a memo and forward the memo with a copy of the Response to Resistance incident to the Accreditation Office.

Officer Anthony Henderson stated that he was checking Joshua Whitfield for injuries when Whitfield turned his head away from him. Henderson thought that Whitfield may be preparing to spit on him so he gave Whitfield a “little open-handed smack on his left cheek.”

Officer Henderson did not complete a Blue Team Response to Resistance entry regarding his use of force with Joshua Whitfield.

IX) Conclusion

Based on the facts of the case, the preponderance of evidence shows that, Officer Anthony Henderson #13034 **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 Anthony Henderson #13034 **IS** in violation of the stated allegation, DR-101 Compliance with Regulations to wit: Response to Resistance. The allegation is **SUSTAINED**.

1252-19
PR

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

SUSTAINED SOC

Case # I2021-022 Statement of Charges

Officer's Name: Henderson, Anthony**IBM #** 13034**Rank:** Police Officer II**Assignment:** Crump Alpha**Date:** April 28, 2021

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

DR 301 Excessive/Unnecessary Force

DR 101 Compliance with Regulations to wit: Response to Resistance

Date of Occurrence: December 12, 2019**Statement of Particulars:**

On December 12, 2019, you became involved in a foot pursuit after a suspect fled from a vehicle. The suspect was located at [REDACTED] Carpenter and placed into custody by other officers. When you went to the location the suspect was being walked out to the street in handcuffs. You attempted to grab the suspect's face when he pulled away from your hand. You then slapped the suspect. You stated you were attempting to prevent the suspect from spitting on you. The body camera evidence does not corroborate your statement. Your actions place you in violation of DR 301 Excessive/Unnecessary Force, which states:

DR 301 Excessive/Unnecessary Force:

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

SUSTAINED 7 DAY SWOP
WRITTEN REPRIMAND - 8 HOURS
LATERAL DEESCALATION
TRAINING

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 the performance of their duties when making an arrest or in dealing with a prisoner or any person.

When you slapped the suspect your use of force fell into the category of empty hands control. You did not complete a Response to Resistance form which places you in violation of DR101 Compliance with Regulations to wit: Response to Resistance, which states:

DR 101 Compliance with Regulations to wit: Response to Resistance:

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

Chapter II Section 8 Response to Resistance Subsection III Response to Resistance Incidents Section B states:

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- 2. Chemical agent use.*
- 3. The discharge of a SL-6/IDS and CEW deployment event.*
- 4. The use of an MPD canine to apprehend a suspect.*
- 5. The use of the Baton/Expandable Baton.*
- 6. Whenever a suspect is charged with **T.C.A. 39-16-602 Resisting Arrest**.*
- 7. Whenever there is a death, injury, or an alleged injury to an officer or suspect(s), as a result of police utilizing less than lethal force.*

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

Lt. A. C. #3246
Issuing Officer

Sgt. J. H. #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.

[Signature] 13034
Signature of Officer:

Written Response Ordered? ☐ Yes ☐ No

Was officer relieved of duty? ☐ Yes ☒ No

Reviewed by: ☒ ^{DEC 7/5/21} Dep. Dir. ☐ Dep. Chief ☐ Work Station Commander

Delegated to: ☐ Dep. Chief ☒ Station/Bureau Colonel Webb 3/30/22 438
Major/Lt. Colonel/Colonel