

# HEARING SUMMARY FORM

# 0649-21

**Hearing:**

October 28, 2022

Date

0818

Time

Location: 2234 Truitt – Airways Station

Attended by: Officer A. Anderson 14299

Officer A. Nebo #13123

Lt. C. Slaughter #0456

Hearing Officer: Colonel P. Burnett #0666

**Statement of Hearing Officer:** At 0647 hours on October 28, 2022, an administrative hearing was held for Officer Alexander Anderson #14299. The hearing was the result of a Statement of Charges issued to Officer Anderson for violations of DR 301, Excessive Force/Unnecessary Force and DR 104, Personal Conduct. The charges stemmed from an incident on June 1, 2021, where Officer Anderson used force against a suspect that was handcuffed and sitting in a chair, while under arrest inside Regional One Hospital. The suspect spat on Officer Anderson and Officer Anderson struck the suspect with a closed fist three times.

Officer Anderson was asked if he was familiar with the charges and/or if he needed the charges to be read. Officer Anderson advised that he was familiar with the charges and waived the reading of the.

Officer Anderson was given an opportunity to speak and advised on the night of this incident he observed a black Infiniti stopped in traffic, with the driver slumped over at the wheel. Upon investigating the incident, Officer Anderson observed a beer bottle in the driver's right hand and a handgun in the floorboard of the vehicle. Officer Anderson and another officer removed the driver from the vehicle and requested that a DUI unit make the scene. Controlled substances were also found inside the vehicles. The driver was placed under arrest. While being detained, Officer Anderson advised that the driver was angry/belligerent, uncooperative, using profanity, and exposed himself. He advised a MFD ambulance was summoned three separate times to check on the driver before the driver was later transported to Regional One Hospital (ROH). Because the driver had been combative throughout this arrest, additional officers were requested to accompany Officer Anderson to the hospital.

At the hospital the driver was again uncooperative and was placed into a wheel chair and taken inside. The driver continued using profanity towards the officers and at some point, the driver spat onto the face of Officer Anderson. Officer Anderson advised that's when the driver spit in his face, "he just reacted" and admitted that he "punched/struck the driver 2-3 times." He advised a mask was later placed on the suspects face to prevent further incidents.

Officer Nebo was given an opportunity to speak on behalf of Officer Anderson. Officer Nebo advised the driver's combative behavior happened over the course of three hours. He stated that Officer Anderson has been employed with the department for three years and is an asset to Airways Station. Officer Nebo further stated that Officer Anderson is a good officer who is also human. He added that Officer Anderson's response was a "knee jerk reaction" and that Officer Anderson sincerely regrets that this occurred. Officer Nebo asked that any action taken be corrective and not punishment.

Lt. Slaughter advised that he made the scene of this incident and witnessed the behavior of the driver while on the scene. Lt. Slaughter advised that Officer Anderson is one of the best officers on the "A"



shift and is generally a quiet officer, who is productive and can be counted on to do what needs to be done. Lt. Slaughter advised that Officer Anderson just reacted to the driver spitting in his face and lost his temper momentarily. Lt. Slaughter stated that there have been no problems of this nature, in the past with Officer Anderson.

The writer reiterated to Officer Anderson that officers should never resort to physical force when it is needless or not required when dealing with a prisoner or any person. Officer Anderson was advised that although his initial reaction may have been a natural response, officers are required to exercise self-restraint in on duty situation as well as in their professional life. Additionally, this incident occurred inside the treatment area of Regional One Hospital and was witnessed by hospital staff. One of the nurses complained to a police supervisor after witnessing this incident.

After a careful review of the allegations and upon conclusion of the hearing, DR 301 Excessive Force/Unnecessary Force was **Sustained** and a **Six (6) day Suspension** without pay was ordered. DR 104 Personal Conduct was **Sustained** and a **Five (5) day Suspension** without pay was ordered.

**Action Ordered:** **DR – 301, Six Day Suspension**  
**DR – 104, Five Day Suspension**

*Colonel P. Burnett #0666*  
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 AA Will Not **Be Filed**

**Grievance:** AA 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.**

Oct. 28, 22  
Date

*Alfred Ash 14299*  
Employee Signature



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

**Administrative Summons**

**Memphis Police Department VS.  
Anderson, Alexander IBM: 14299**

**Date: March 22, 2022  
ISB Case #: I2022-013**

**I. Allegation**

It is alleged that on June 1, 2021, you used excessive force against a male subject after he was in your custody at 877 Jefferson Avenue.

**II. Rules, regulations, or orders violated.**

**DR 301 Excessive Force/Unnecessary Force  
DR 104 Personal Conduct**

**III. Hearing**

**Date:** *October 28, 2022*  
**Place:** *AIRWAYS Executive Conference*  
**Time:** *0600*

**You are entitled to representation during this hearing.**

**Served by:**

*Christopher Langston Lt. Airways Alpha C459*  
**Name/Rank/Assignment/IBM**

**Date:**

*10/26/2022*

**Time:**

*2312 hrs*

**Signature of Officer:**

*APL* *14299*

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 I2022-013**

Printed On: 8/10/2023

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**I) Principal Officer:**

Police Officer II Alexander Anderson, IBM #14299/Airways Station "A"

**II) Administrative Regulation:**

Excessive Force/Unnecessary Force DR 301  
Personal Conduct DR 104

**III) Allegation:**

It is alleged that Officer Anderson used excessive or unnecessary force on an arrestee while he was handcuffed.

**IV) Background:**

On June 1, 2021, at approximately 2:18 a.m., Officer Anderson stopped a vehicle at [REDACTED] Semmes. Mr. Kieron Lee was found to be asleep at the wheel. Officers could see Lee was holding a bottle of alcohol and had a handgun next to his feet. He was taken into custody and his vehicle was towed. He was transported to [REDACTED] Lamar to meet the D.U.I. officer and perform field sobriety tests. Mr. Lee became irate with officers after his test and had to be Ripp Hobbled in the backseat of the police car. Report #2106000035ME was completed and Lee was transported to Regional One Health. Lee was transported to Shelby County Jail after being medically cleared. A US Attorney viewed the BWC video during trial preparation and contacted I.S.B regarding possible excessive force that occurred at Regional One Health. An administrative case was opened to investigate the allegation.

**V) CAD #:**

P211520232

**VI) Evidentiary Findings:**

**A) Statements:**

**Witness Employee Officer Nehemiah Garrison** said he worked uniform patrol at Airways Station Alpha shift on June 1, 2021. He made the scene of a traffic stop at [REDACTED] Semmes. During the stop, suspect Kieron Lee was belligerent and yelled at officers. He was combative towards officers and would jerk away from them as they were trying to control him.

Once Lee was transported to Regional One Health, several officers had to carry Lee from the parking lot to the emergency room. Lee was handcuffed behind the back and seated in a wheelchair. Lee threatened officers by saying, "If we were outside and I wasn't handcuffed", "I'ma beat your ass", and he would spit on the officers. Lee was intoxicated and would not follow officer's commands. Lee then spit in Anderson's face. Anderson immediately punched Lee in the face with a closed fist two or three times. The punches were ineffective at controlling Lee because he was still verbally combative towards the officers. Lee did not calm down until he was given medicine by the nursing staff.

Garrison believed with the four officers that were on the scene, there could have been a better method of controlling Lee than punching him. Garrison was standing within six feet of Lee and Anderson during the altercation. There were four officers inside the hospital when Lee spit on Anderson. Several nurses were standing around at the time and one complained to the officers' lieutenant. Garrison's BWC was activated for the incident. Garrison filled out a Response to Resistance Report once he got back to the station due to the soft hands control of Lee while he was in the wheelchair.

**Witness Employee Officer Deushawn Jones** said he worked uniform patrol at the Airways Station Alpha shift on June 1, 2021. He made the scene at [REDACTED] Lamar after a lieutenant requested additional cars. Officers on the scene were having problems controlling Lee, so additional cars were needed. After Lee performed his DUI tests, it took four officers to get Lee into the backseat of the police car. Lee was irate, but Jones was able to build a rapport with Lee. Lee resisted officers' efforts to put him in the backseat of the police car. Once inside the backseat, Lee stuck his foot out the door so officers could not close it.

Inside the ER, Lee continued to talk "crazy" to officers and nursing staff. He yelled and cursed at them. Lee started to make hocking noises and then spit on Anderson as he was standing in front of him. Anderson immediately punched Lee with a closed fist an unknown number of times. Officers had to pull Anderson back from punching him more times. Lee attempted to spit on the nursing staff also. Lee warned officers that he would spit on them before he spit on Anderson.

There were three or four officers inside the ER at this time. Jones feels that was an adequate amount to control Lee. There were some nurses standing by that might have witnessed the altercation. A supervisor was notified of the situation. Jones' BWC was activated for the incident. He filled out a Response to Resistance Report once he got back to the station. This report was filled out due to the soft hands control of Lee while he was in the wheelchair.

**Witness Employee Officer Nolan Sledge** said he worked uniform patrol at the Airways Station Alpha shift on June 1, 2021. He made the scene of the traffic stop at [REDACTED] Semmes after Lee was detained in the backseat of the police car. Lee told the officers that someone was trying to set him up. He was acting out of control,

being combative, hit his head on the latch of the police car door, and kicked the inside of the police car while detained in the backseat. Lt. Boyland and Lt. Slaughter were on the scene.

When Anderson made the scene at Regional One Health, Lee did not want to get out of the police car. Officers were able to get Lee out of the car, but he did not want to walk. A wheelchair was retrieved, and he was wheeled into the ER. Lee was handcuffed behind his back in the wheelchair. Once inside the ER, Lee continued to yell and cuss at the officers. Lee became argumentative with the officers, and the officers attempted to calm him down. Lee spit in Anderson's face and Anderson punched him twice with a closed fist in the face. Anderson was in the motion of punching Lee when the other officers pulled Anderson back. No visible injuries were observed on Lee's face from the punches.

After being punched, Lee tried to spit on the medical staff. A spit mask was placed on Lee's head. Sledge felt more officers were needed at the hospital because Lee was strong and under the influence of some type of intoxicant. More cars were requested to make the scene. Lee threatened the officer's numerous times throughout the incident. Lee threatened the officers by saying, "he has been to jail" and "he knows people". At one point, Lee got out of the wheelchair and lunged at officers trying to intimidate them. Lee did not calm down while in the ER. There were two female nurses standing close by when Officer Anderson was spit on. Sledge's BWC was activated for the incident, and he filled out a Response to Resistance Report once he got back to the station. This report was filled out due to the soft hands control of Lee while he was in the wheelchair.

**Witness Employee Lt. Christopher Slaughter** said he was at work at Airways Station Alpha shift on June 1, 2021. He received a call from Officer Anderson requesting a lieutenant. As he was pulling on the scene of [REDACTED] Lamar, Officer Garrison called for more cars to help with the prisoner, Kieron Lee. He saw officers struggling to get Lee into the backseat of the police car. Lee was intoxicated and threatened and kicked at the officers. Four or five officers were able to get Lee into the backseat. Both doors to the backseat of the police car were open, so Lee was able to slide out the other side of the police car. Lee fell out backwards onto the ground from the police car and got an abrasion on the back of his head. An ambulance was called to the scene to assess Lee. MFD paramedics assessed Lee and told officers they could transport him.

Lee again became combative with officers. He was kicking and cursing at the officers so much, the DUI officer stopped the sobriety tests. Lt. Slaughter told his officers to transport Lee to Regional One. Once Lee was in the backseat of the police car, Lee began banging his head on the cage, doors, and the seat of the police car. He then began kicking the door of the police car. The officers Rip Hobbled Lee and started the transport.

Later in the shift he received a phone call from a lieutenant at North Main Station. He does not remember the lieutenant's name. The lieutenant told him that an incident happened at the hospital between Officer Anderson and the suspect, and he should have a talk with Officer Anderson. The lieutenant told him that he received a verbal complaint from an unknown nurse about the officers' actions in the hospital. The complaint was that the officers got into it with each other and the incident with Officer Anderson. When he spoke with Officer Anderson, Officer Anderson told him that Lee was being combative towards the officers and the hospital staff. Lee spit on him, Officer Garrison, and an unknown nurse. Officer Anderson also told him that he punched Lee after he was spit on. Lt. Slaughter told Officer Anderson to fill out OJI paperwork and a Response to Resistance form when he gets back to the station. He had an "off the record" talk with Officer Anderson. He told Officer Anderson that he could not do that type of thing and that he would put what was done at the hospital in the incident report. Colonel Patricia Burnett did not instruct him to file disciplinary paperwork on Officer Anderson. He filled out an incident report. He had his body camera activated while he was on the scene at [REDACTED] Lamar.

**Principal Employee Officer Alexander Anderson** said he worked uniform patrol at Airways Station Alpha shift on June 1, 2021. He made a traffic stop at [REDACTED] Semmes at approximately 2:18 a.m. He noticed a white Infiniti stopped northbound in a lane of travel with a male black slumped over the wheel. When he walked up to the vehicle he noticed the male had a bottle of alcohol in his right hand and a handgun on the floor by his feet. The male, who was later identified as Kieron Lee, was placed into handcuffs and into the back of the police car. A supervisor was called to the scene.

Lee was belligerent and cussed out officers while they waited on a DUI unit to meet at [REDACTED] Lamar. After Lee completed the tasks required by the DUI officer, Lee did not want to go into the backseat of the police car. He started making a scene, but officers were able to get him in the car. Once in the backseat, Lee appeared to have a seizure. A MFD ambulance was called to assess Lee. He was cleared by the paramedic and it took several officers to get him into the backseat because Lee was resisting. Lee pushed off the door with his feet and fell on the ground hitting his head. Another MFD ambulance made the scene and cleared Lee to be transported to Regional One by the officers. Anderson used a Ripp Hobble restraint to prevent Lee from kicking the inside of the police car. Supervisors made the scene on Semmes and at Lamar.

Anderson transported Lee to Regional One Health. When they made the scene, Lee did not want to walk inside. Officers used a wheelchair to take Lee inside the emergency room. Lee was belligerent and cussed at officers inside the hospital. Officers were attempting to calm Lee down when he spit in Anderson's face hitting his cheek. Anderson punched Lee with a closed fist two or three times to prevent Lee from spitting on him again. Lee kicked Anderson directly after he was punched while he was still in the wheelchair. Lee did not complain of injuries

after being punched. Anderson did not see any visible injuries to Lee's face from the punches.

The medical staff placed a spit mask on Lee to prevent him from spitting on anyone else. Lee did not calm down until he was given medicine. Lee made multiple verbal threats to officers throughout the night. There were three to four officers inside the hospital with Lee during the altercation. There were some medical staff that were standing near them that might have witnessed the incident. One of the medical staff later complained to Anderson's supervisor and he was given a warning. Anderson was told by his supervisor that he did not respond to being spit on in a correct manner. This was just a conversation with his supervisor and a complaint was not formally filed. Anderson's BWC was activated for the incident. He filled out a Response to Resistance once he got back to the station.

**B) Physical Evidence:**

None

**C) Forensic Evidence:**

None

**D) Recorded Evidence:**

1. All relevant videos are located in Evidence.com under Case #I2022-013
2. Offense Report
3. Arrest Documents
4. Communications Recordings, with Event Chronology
5. Recorded Witness and Principal Officer Statements and Signed Audio Verification Forms
6. Signed Garrity Forms
7. Signed Statement Release Forms
8. Video Analysis Request Form
9. Communications Request Forms
10. C.D. of Witness and Principal Officer Statements

**E) Miscellaneous Evidence:**

None

**VII) AG Review:**

The completed case file may be submitted to the Shelby County District Attorney General's office for review pending the conclusion of all internal disciplinary hearings.



### **VIII) Analysis:**

The following were key evidentiary segments of body-worn camera footage used in this analysis:

Officer Garrison's BWC: 05:24:19-05:25:24 "Regional One Medical"

Officer Jones' BWC: 05:24:15-05:25:22 "[REDACTED] Lamar"

Officer Sledge's BWC: 05:24:25-05:25:06 "The Med"

Officer Anderson's BWC: 05:24:23-05:24:57 "[REDACTED] Semmes"

The primary issue related to this investigation centers upon the actions Officer Anderson, 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 Force/ Unnecessary Force Policy**:

#### **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.*

**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 the felony arrest by **Officer Alexander Anderson** at [REDACTED] **Semmes Street**. The three standards applied in ***Graham v. Connor*** were used to determine the reasonableness of the use of force applied by **Officer Alexander Anderson**, and revealed the following:

- 1. The crimes at issue in this investigation are **Convicted Felon in Possession of Handgun, Possessing a Firearm During Commission to Commit Dangerous Felony, Unlawful Carrying or Possession of a Weapon, Driving Under the Influence, Possess Controlled Substance W/I to Manufacture/Deliver/Sell, Possession of Controlled Substance, Manufacture/Deliver Drug Paraphernalia, Reckless Driving, Resisting Stop/Arrest, and Public Intoxication**, which are felony and misdemeanor charges in the State of Tennessee.*
- 2. The suspect **Kieron Lee** spit on Officer Anderson. By doing this, Lee did pose an immediate threat to the safety of **Officer Alexander Anderson and others**.*
- 3. By spitting on the face of **Officer Alexander Anderson**, **Kieron Lee** was resisting arrest.*

The facts of the investigation revealed Officer Anderson used excessive force by striking Kieron Lee in the face while at the hospital. Lee was handcuffed in a wheelchair when Lee spit on Officer Anderson. There were three other officers in close proximity of Lee who could have been utilized to control him. Instead of using the available officers to control Lee with soft hand techniques, Officer

Anderson punched Lee with a closed fist three times after he was spit on. The first punch by Officer Anderson was used to stop Lee from spitting, however the second and third punches were excessive. The other officers on the scene had to grab Officer Anderson and stop him from punching Lee. Lee was not attempting to escape or resist after he was punched the first time. Officer Jones said in his statement that Lee warned the officers that he would spit on them and the nursing staff. However, nothing was done to prevent this. The force used was corroborated by employee statements and body-worn camera footage. Therefore, this investigation was able to prove Officer Anderson was in violation of the Memphis Police Department's **DR 301 Excessive Force/Unnecessary Force Policy**.

An additional issue related to this investigation centers upon the actions of Officer Alexander Anderson, 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, which states:**

**DR 104 PERSONAL CONDUCT**

*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.*

The facts of the investigation revealed Officer Anderson's actions towards Lee when he punched him the second and third time were unprofessional. One of the nurses standing nearby complained to a supervisor about the incident. Officer Anderson did not exhibit poise and composure. His actions contradict the standards of conduct set forth in the Law Enforcement Code of Ethics. Officer Anderson's conduct and actions reflect negatively on the Memphis Police Department and therefore is a violation of **DR 104 Personal Conduct**.

**IX) Conclusion:**

Based on the findings of this investigation, Officer Alexander Anderson **IS** in violation of the stated allegation, **DR 301 Excessive Force/Unnecessary Force**. Therefore, the allegation is **SUSTAINED**.

Based on the findings of this investigation, Officer Alexander Anderson **IS** in violation of the stated allegation, **DR 104 Personal Conduct**. Therefore, the allegation is **SUSTAINED**.



0649-21 @

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

**Case # I2022-013      Statement of Charges**

**Officer's Name:** Anderson, Alexander

**IBM #** 14299

**Rank:** POLICE OFFICER II

**Assignment:** Airways Station "A" Shift

**Date:** March 22, 2022

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

DR 301 Excessive Force/Unnecessary Force

DR 104 Personal Conduct

*Sustained:*  
- 6 DAYS SWOP  
- 5 DAYS SWOP

**Date of Occurrence:** June 1, 2021

**Statement of Particulars:**

On June 1, 2021, at approximately 5:25 a.m., you used excessive force against a suspect that was handcuffed and sitting in a chair. The suspect spat on you, then you struck him in the face three times with a closed fist. There were three other officers standing beside the suspect who could have utilized other alternative means to get the suspect under control in a less aggressive manner. Therefore, this investigation was able to prove you were in violation of **DR 301 Excessive Force/Unnecessary Force**.

**The Memphis Police Department's DR 301 Excessive Force/Unnecessary Force:**

*Excessive Force/Unnecessary Force 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.*

This incident occurred in the emergency room near the nursing station. You were in the vicinity of several hospital staff and patients who could have viewed the incident. You did not display characteristics the public expects from a law enforcement officer. The characteristics you displayed creates a distrust between the public and this department. Your conduct and actions reflected negatively on the Memphis Police Department. Therefore, you are in violation of **DR 104 Personal Conduct**.

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

**DR 104 PERSONAL CONDUCT**

*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.*

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

  
\_\_\_\_\_  
Issuing Officer

  
\_\_\_\_\_  
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]* 14299  
Signature of Officer:

Written Response Ordered? ☐ Yes ☐ No

Was officer relieved of duty? ☐ Yes ☐ No

Reviewed by: ☒ Dep. Dir. <sup>7/28/22 DEC 134</sup> ☒ Dep. Chief <sup>7-29-22</sup> ☐ Work Station Commander

Delegated to: ☐ Dep. Chief ☒ Station/Bureau

*Colonel P. Burnett #664*  
Major/Lt. Colonel/Colonel

*Airways*