

HEARING SUMMARY FORM

0733-22

Hearing:

3/29/2023

Date

1530

Time

Location: 2602 Mt. Moriah

Attended by: PII S. Carpenter IBM 14351
PII U. Shelton IBM 11512

Hearing Officer: Col J. Smith IBM 8650
Lt. B. Byrd IBM 10248

Statement of Hearing Officer:

See Second Page

Action Ordered:

DR 301 Excessive/Unnecessary Force: SUSTAINED 2 DAY SUSPENSION

DR 104 Personal Conduct: SUSTAINED WRITTEN REPRIMAND


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

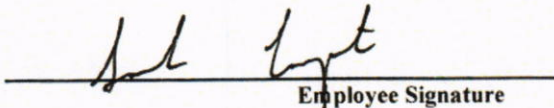
☒ Will Not Be Filed

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.

Date

03/30/2023

Employee Signature



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

C
14351

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Statement of Hearing Officer: On 3/29/2023 an administrative hearing was held regarding SOC 0733-22 charging Officer S. Carpenter IBM 14351 with violating DR 301 Excessive / Unnecessary Force and DR 104 Personal Conduct. Present were the writher, Colonel J. Smith, Lt. B. Byrd, Officer S. Carpenter and PII U. Shelton as an observer. Writer read the statement of charges aloud and asked officer Carpenter if she was familiar with the process and she advised that she was. Writer asked if she had anything to say regarding the charges. Officer Carpenter advised that the charges advised that the suspect was not a threat because she was in the back seat, however due to the gaps around the cage there are spaces where up to an inch are not covered, meaning that the space is not sealed off entirely from airborne pathogens. Officer Carpenter advised that on May 31st of last year, about two months before this incident she was transporting a female who coughed and spit on her and approximately 5 days later she became very ill and missed several days. I did locate a sick slip dated June 9 with several pages of supporting documentation related to an illness where Officer Carpenter was out for 11 days.

Officer Shelton advised that he has known Officer Carpenter since she cam on the job and that she is mild mannered and quiet. He went on to say that being spit on is the ultimate disrespect and he reiterated that officer Carpenter had been spit on before and had become sick. Officer Shelton advised that Officer Carpenter had a reason to do what she did.

Lt Byrd advised that he worked with Officer Carpenter on the D shift and she is a good worker and had been considered for the TF before this incident. He advised that having been spit on before he understood her reaction with the suspect and advised that her emotions got the best of her but this one instance is not a reflection of her character just the situation. All parties present reviewed the body worn and in car video related to the incident, specifically the use of force. There is no doubt that the suspect in the video is attempting to antagonize officer Carpenter, she was able to move up close to officer Carpenter's side of the vehicle and made several apparent efforts to produce enough saliva to spit through the small area between the screen and the side of the vehicle. As officers turned north on Mendenhall from Cottonwood you can clearly hear officer Carpenter tell her partner to pull over and whatever she did was "on me". Officer Roberts had to stop at the red light at Fox Plaza and officer Carpenter exited the vehicle, opened the rear door of the vehicle and kicked the suspect three times. I would not say that it was completely unprovoked nor was it unnecessary. I do believe given the circumstances it was excessive in the manner in which it was done. It is obvious that officer Carpenter did not want to be spit on and it was her intent to move the suspect from the side of the door with her face next to the screen by her head. In this instance the suspect was not ordered to stop or move away from the area where she had partial access to the front

SC
14351

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Hearing Officer: Col J. Smith IBM 8650

Lt. B. Byrd IBM 10248

Statement of Hearing Officer: passenger compartment of the squad car. It is obvious that officer Carpenter was upset by the suspect reacted improperly to the situation. Excessive force was used by officer Carpenter particularly given that she did not give the suspect a directive to stop the behavior before the force was used. Therefore the charge of Excessive/Unnecessary force is **SUSTAINED** and a **TWO DAY SUSPENSION** is ordered. As officer Carpenter entered the vehicle and slammed the door she called the suspect a bitch. This violates DR 304 Personal Conduct, therefore DR 104 is **SUSTAINED** and a **WRITTEN REPRIMAND** is ordered.

0733-22
(25)

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

Administrative Summons

**Memphis Police Department VS.
Carpenter, Sarah IBM: 14351**

**Date: July 28, 2022
ISB Case #: I2022-033**

I. Allegation

On July 23, 2022, you arrested a female for Possession of a Controlled Substance. It was alleged that you used unnecessary force during the arrest.

II. Rules, regulations or orders violated.

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

III. Hearing

Date: 3-29-23
Place: 2602 MT main
Time: 3:30

You are entitled to representation during this hearing.

Served by:

Det. Kam Wang - 9114, MMS-C
Name/Rank/Assignment/IBM

Date: 03-16-2023

Time: 1530 Hours

Signature of Officer:

[Signature]

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 I2022-033

Printed On: 8/10/2023

I) Principal Employee:

POLICE OFFICER II Sarah Carpenter #14351 Mt. Moriah Station - "C"

II) Administrative Regulation:

DR 301 Excessive Force/Unnecessary Force
DR 104 Personal Conduct

III) Allegation:

It is alleged that Officer Sarah Carpenter used unnecessary force on the complainant while the complainant was handcuffed in the backseat.

IV) Background:

On July 23, 2022, at approximately 9:18 p.m., Officer Carpenter and Officer Roberts made a traffic stop on a 2002 Chevy Trailblazer at Goodlett Street and Navaho Avenue. Carla Hamilton was arrested for Possession of a Controlled Substance, Prohibited Weapons, and other various traffic offenses. Report #2207011778ME was completed and Hamilton was taken to jail. During the transport to Jail East, Officer Carpenter exited the vehicle at a red light at S. Mendenhall Road and Fox Plaza and kicked Hamilton while she was in the backseat of the police car. Officers transported Hamilton to Mount Moriah Station to speak to a lieutenant before continuing the transport to Jail East. Lt. Foster documented the incident by completing a Workstation Complaint. I.S.B. reviewed the complaint and contacted Hamilton, who advised she would like to give a statement about the incident. A case was opened to investigate the allegation.

V) CAD #:

P222042686

VI) Evidentiary Findings:

A) Statements:

Civilian Complainant Carla Hamilton said that on July 23, 2022, at approximately 8:30 p.m., she was pulled over by police officers, handcuffed, and arrested. While being transported, Hamilton got hot in the backseat of the police car. The officers had the windows up and the slide to the cage closed. Her mouth was dry, and she began to cough.

The police car stopped at the traffic light on Mendenhall by the Lakeview Apartments. A female officer got out of the car, opened the door to the backseat, and kicked her at least four times in her stomach. The officer then said, "Bitch that's for spitting on me!" The female officer got back in the front seat and drove to the Mount Moriah Station.

At the station, Hamilton told a male supervisor what happened. After speaking with the supervisor, she was transported to Regional One Health and then to Jail East. While at Regional One Health she complained of sore abdominal muscles. She was given Ibuprofen and released. She did not take any pictures of her abdomen. She did not spit on the officers but threatened to earlier at the start of the transport.

Witness Employee Jacques Roberts said he is assigned to Mount Moriah Charlie Shift and was at work on July 23, 2022. At approximately 9:30 p.m., on that night, he and his partner, Officer Carpenter, made a traffic stop on a vehicle with a fraudulent temporary tag. The driver was handcuffed and detained in the backseat of the police car. Marijuana and brass knuckles were found in her vehicle. She was then placed in custody and transported to jail.

During the transport, the prisoner made a threat to spit on the officers. The prisoner began to press her face in the gap between the cage and the door and coughed behind Carpenter. Once they came to a stop at a red light at Mendenhall and Fox Plaza, Carpenter got out of the vehicle and told the prisoner to stop spitting and coughing on her. Carpenter then kicked the prisoner once while the prisoner was in the back of the squad car. After Carpenter got back in the vehicle, he drove to the station and advised a supervisor of the incident. Roberts is unsure if the prisoner spit on Carpenter, but he did not get spit on.

The prisoner did not have any injuries from the incident. Roberts' BWC was on and activated but it died sometime during the traffic stop. The ICV was activated for the transport.

Principal Employee Sarah Carpenter said she is assigned to Mount Moriah Charlie Shift and she was at work on July 23, 2022. At approximately 9:30 p.m., on that night, she and her partner, Officer Roberts, made a traffic stop on a vehicle with a fraudulent temporary tag. They encountered the driver of the vehicle, Carla Hamilton, who became irate for being stopped. She did not want to be put into the backseat of the police car, but she was eventually placed in handcuffs and detained. After further investigation, they determined the temporary tag was fake and found marijuana inside the vehicle.

During the transport, Hamilton threatened to spit on her. Hamilton leaned into the crack between the cage and the door and intentionally coughed behind her. Carpenter did not want to just sit there and get sick from being coughed on. She asked her partner to pull over, but he told her he did not want to stop until they got to the station. When the vehicle came to a stop at a red light, she got out of the vehicle, opened the door to the back seat, and kicked the prisoner. She kicked the prisoner to get her to move over into the middle of the backseat. Carpenter kicked the prisoner in her torso area more than once but could

not recall an exact number of times. Hamilton was not injured by the kicks. Carpenter was never spit on, only coughed on.

When they got to the station, the incident was reported to Lt. Foster. Her BWC was activated for the incident. A Response to Resistance form was completed.

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. Photo Line-up of Officer
10. C.D. of Witness and Principal Officer Statements
11. D.V.D. of Officer's BWC and ICV videos

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 Carpenter's BWC: 10:16:35 p.m. "Goodlett/ Cottonwood Rd."

Officer Carpenter's BWC: 10:20:34 p.m. "Goodlett/ Cottonwood Rd."
Officer Carpenter's BWC: 10:21:10 p.m. "Goodlett/ Cottonwood Rd."
Officer Carpenter's ICV: 2:50 "P3167 Backseat"

The primary issue related to this investigation centers upon the actions of Officer Carpenter, and whether her 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**, 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.

***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 into the felony arrest of Carla Hamilton by **Officer Sarah Carpenter at S. Goodlett Street & Cottonwood Road**. The three standards applied in **Graham v. Connor** were used to determine the reasonableness of the use of force applied by **Officer Carpenter**, and revealed the following:

1. The crimes at issue in this investigation were ***Altering, Falsifying or Forging Auto Titles or Assignment of Plates, Possession of Controlled Substance, Prohibited Weapons, Disorderly Conduct, and Reckless Driving*** which are felony and misdemeanor charges in the State of Tennessee.
2. The suspect, **Carla Hamilton**, was unarmed and handcuffed in the backseat of the police car. **Hamilton** did not pose as an immediate threat to the safety of Officer Carpenter or others.
3. **Carla Hamilton** was not actively resisting arrest or attempting to evade arrest by flight.

The facts of the investigation revealed Officer Sarah Carpenter applied unnecessary force against Carla Hamilton while she was in custody in the backseat of the police car. Hamilton was unarmed and handcuffed behind her back when Carpenter kicked her three times in the right side. Hamilton was not attempting to escape as she was sitting in the backseat with the doors closed.

During the transport, Hamilton tells Carpenter she will spit on her, Carpenter replies that she will kick Hamilton in the face. Minutes later Carpenter told her partner, Officer Roberts, who was driving the vehicle, to pull over so she could get out and told him she would “take whatever comes.” In Carpenter’s statement she said she kicked Hamilton to get her to move over to the middle of the seat. However, Carpenter did not give Hamilton commands to move over before or after she kicked Hamilton.

The force used was corroborated by the civilian complainant’s account, employee statements, and body-worn camera and in car video footage. Therefore, this investigation was able to prove Officer Carpenter 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 Sarah Carpenter, and whether her 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 Carpenter's actions towards Hamilton when she kicked her were unprofessional. Officer Carpenter also cursed at Hamilton calling her a "bitch." Officer Carpenter was not respectful, and her actions contradict the standards of conduct set forth in the Law Enforcement Code of Ethics. Officer Carpenter's conduct and actions reflect negatively on the Memphis Police Department and therefore is in violation of **DR 104 Personal Conduct**.

IX) Conclusion

Based on the facts of the case, the preponderance of evidence shows Officer Sarah Carpenter #14351 **IS** in violation of the stated allegation, **DR 301 EXCESSIVE FORCE/UNECESSARY FORCE**. Therefore, the allegation is **SUSTAINED**.

Based on the facts of the case, the preponderance of evidence shows Officer Sarah Carpenter #14351 **IS** in violation of the stated allegation, **DR 104 PERSONAL CONDUCT**. Therefore, the allegation is **SUSTAINED**.

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

0733-22
(CT)

Case # I2022-033 Statement of Charges

Officer's Name: Carpenter, Sarah

IBM # 14351

Rank: POLICE OFFICER II

Assignment: Mt. Moriah "C" Shift

Date: August 10, 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 - 2 Days SWOP
DR 104 Personal Conduct - Written Reprimand

Date of Occurrence: July 23, 2022

Statement of Particulars:

On July 23, 2022, at approximately 10:21 p.m., you used unnecessary force against a suspect that was handcuffed in the backseat of your squad car. The suspect threatened to spit on you, and minutes later you kicked her three times. The suspect was in handcuffs in the backseat not causing an immediate threat to spit on you or your partner. 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.

While transporting the suspect, you got out of the police car at a red light and kicked the handcuffed suspect in the side three times. You then called her a "bitch" as you were getting back into the front seat of the police car. 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 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 officer's disciplinary resume will be reviewed and become a part of this file)

Written Response Ordered?

Error ☒ Yes ☒ No
ALL Per RN

Lt Kam Warg - 9114

Issuing Officer

Det J May 12391

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]

Signature of Officer:

Was officer relieved of duty?

☐

Yes

☐

No

Reviewed by:

☒

Assistant Chief

☒

Deputy Chief

☐

Work Station Commander

Delegated to:

☐

Deputy Chief

☒

Station/Bureau

Ce J A Smith
Major/Lt. Colonel/Colonel