



JIM STRICKLAND  
MAYOR

DIVISION OF POLICE  
SERVICES

TENNESSEE

February 20, 2019

Mrs. Virginia Wilson  
Civilian Law Enforcement Review Board  
3030 Poplar Avenue, HR-RM L42  
Memphis, Tennessee 38111

Re: Shirley/Sharrita Warr  
ISB FILE # I2016-057

Dear Mrs. Wilson:

I have reviewed the Civilian Law Enforcement Review Board's findings regarding the above-referenced Inspectional Services Bureau ("ISB") investigation. The investigation was conducted as the result of a complaint filed by Sharrita Warr regarding an incident that occurred on September 22, 2016.

The Board voted to sustain Ms. Warr's complaint against Officer Enis Jackson of the Memphis Police Department. Specifically, the Board concluded the behavior of Officer Jackson was in violation of the Excessive Force policy and recommended that he be required to submit to anger management training.

Having reviewed both the Board's findings and the ISB file, which included body camera footage of the incident, I am not inclined to take any additional action in regards to the Board's recommendations.

It must first be noted that the officers who made the scene at 2329 Staten Street were lawfully present at the location investigating the circumstances of a traffic stop. The scene was chaotic partly because the subjects on the scene, including Ms. Warr, were not cooperative nor compliant with the scene officers. Due to her involvement in the incident, the officers had a lawful basis to verify her identity and/or age. The Board concluded the officers did not use reasonable alternatives to verify Ms. Warr's identity. However, multiple officers asked Ms. Warr her age while on the scene; and each time as she stood near her father, she told officers she was ten years old. (i) Ms. Warr was not truthful about her age, which then prompted Officer Jackson to approach her and request her identification.

Ms. Warr's complaint arises from her interactions with Officer Jackson. The Board concluded that there were no exigent circumstances that necessitated the restraint of Ms. Warr because she posed no threat to Officer Jackson. It must be noted though, that the existence of exigent circumstances is not the sole basis for an officer to initiate physical contact with an individual. A review of the relevant footage shows Ms. Warr was defiant, evasive and non-compliant towards Officer Jackson as he approached her and requested her identification. It is apparent that at the time Officer Jackson physically grabbed Ms. Warr, he did so to control her and control the scene. Officer Jackson's actions were within policy as he did so.

At issue is whether Officer Jackson used excessive force when he made the decision to detain Ms. Warr. The body camera from another officer fully captures the event. Based upon my review, I simply cannot conclude that Officer Jackson used excessive force on Ms. Warr as he placed her in custody. Officer Jackson stood to the side of Ms. Warr as he placed his right arm on her right shoulder/neck area and his left hand under her left upper arm. As Ms. Warr continued to be non-complaint, Officer Jackson released her left arm, placing it across her upper chest and neck, while he simultaneously removed his right arm from her shoulder in an effort to grab her right arm to place her in custody. Ms. Warr remained non-complaint, which resulted in Officer Jackson physically lifting and carrying her to his patrol vehicle. Officer Jackson then placed Ms. Warr back on the ground and released her from any physical restraint as he placed her in the rear of the vehicle.

While the video depicts Officer Jackson's arm around the neck of Ms. Warr, it is apparent to me that he did not apply pressure to her neck; and he did not restrict her ability to breath. I reach this conclusion by noting that Ms. Warr continued to yell and scream continuously as he walked her to the vehicle and placed her in custody.

The Memphis Police Department's Policies and Procedures mandate that 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. I do not concur with the Board's conclusion that Officer Jackson used extreme force while placing Ms. Warr in custody. In this case, Ms. Warr was uncooperative and noncompliant. Officer Jackson used the minimal amount of force necessary to take Ms. Warr into custody; and he did not use excessive or unnecessary force upon her.

Based upon the above findings, I will take no additional action as to the Board's recommendations regarding the complaint of Mr. Sharrita Warr.

Sincerely,



Michael W. Rallings, Director  
Memphis Police Department

cc: Zayid A. Saleem, Police Legal Advisor

(i) At the time of the incident, Ms. Warr was fifteen years old.

consider when determining the amount of force include: 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.

There are no facts presented to demonstrate that Officer Jackson was in danger of bodily harm. In fact, Ms. Warr had been on the scene for at least 10 minutes before anyone even addressed her directly. Before learning that she had been a passenger in the car, Officer Jackson said "We ain't even going to worry about her". It would seem that Ms. Warr did not interact with Officer Jackson until he demanded that she present identification and when she refused he attempted to grab her. Naturally, she resisted because Officer Jackson escalated the situation without making reasonable attempts to interact with Ms. Warr prior to that moment. Her resistance did not direct any physical force or threat thereof to Officer Jackson, who also made no attempts to utilize reasonable alternatives to control the situation. In fact, in his interview for the Inspection Services Bureau, Officer Jason Matthews when asked specifically if Ms. Warr posed a threat to Officer Jackson, he answered "No." In his respective interview, Officer Jackson himself stated only that Ms. Warr kicked his shins after she was physically restrained but did not mention any physical threat to his safety, which under MPD policy, would have necessitated the amount of force he applied.

Moreover, although the Hearing Officer Deputy Chief T. Landrum admits that the scene prior to Officer Jackson's arrival was out of control, he did not consider those prior circumstances in evaluating the instant when Officer Jackson applied force upon Ms. Warr. This case arose out of a stop for expired tags. The first officer on the scene allowed the driver to enter his house to get his identification and then chased him around the vehicle several times before the driver ran to the back of the house and the officer turned his attention to the passengers. After taking Ms. Warr's brother into custody, Officer Jackson had already gotten into his squad car and was about to leave the scene but returned to address Ms. Warr when he learned that she too was a passenger. Because the events leading up to her detention in no way indicate a threat to any of the officers on the scene, Officer Jackson's statements to Ms. Warr's father about her behavior tends to indicate that he physically detained Ms. Warr not to secure the scene, but to teach this unruly teenager a lesson.

There were no exigent circumstances that necessitated the restraint of Ms. Warr by Officer Jackson, no threats to his person and no attempt by him or other officers on the scene to implement reasonable alternatives to verify Ms. Warr's identity. While the CLERB agrees that Officer Jackson's behavior did not necessarily constitute a violation of the policy on Curtesy, the officer in this case could certainly have used a little more

courtesy in his interaction with Ms. Warr as a “reasonable alternative”. The situation did not warrant the extreme force that Officer Jackson applied, whether it could be defined as a “chokehold” or not. As a group of citizens, looking at the facts and they plain meaning of the Memphis Police Department’s policies, we find that the behavior of Officer Jackson was in violation of the policy and recommend at the very least, that Officer Jackson be required to submit to an anger management training.

Sincerely,

A handwritten signature in black ink that reads "Rev. Ralph White". The signature is written in a cursive style with a large, stylized initial "R".

Ralph White, Board Chair  
Civilian Law Enforcement Review Board (CLERB)

CC: Sharrita Warr c/o Shirley Warr  
Virginia Wilson, CLERB Administrator