

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION AT MEMPHIS

NICOLE FREEMAN, as wrongful death  
representative of Gershun Freeman and next  
friend of minor child T.F.,

PLAINTIFF,

v.

SHERIFF FLOYD BONNER, Jr., in his  
individual capacity; CHIEF JAILER KIRK  
FIELDS, in his individual capacity; and the  
GOVERNMENT OF SHELBY COUNTY,  
TENNESSEE,

DEFENDANTS.

)  
) **Case No.**  
)  
)  
) **COMPLAINT FOR VIOLATIONS OF**  
) **THE CIVIL RIGHTS ACT OF 1871, 42**  
) **U.S.C. § 1983, and THE AMERICANS**  
) **WITH DISABILITIES ACT OF 1990**  
)  
)  
) **JURY TRIAL DEMANDED**  
) **PURSUANT TO FED. R. CIV. PRO. 38(a)**  
) **& (b)**  
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**COMPLAINT**

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TO THE HONORABLE DISTRICT COURT JUDGE:

Plaintiff Nicole Freeman, by and through her designated attorneys, for her Complaint alleges as follows:

**I.**

**INTRODUCTION**

**A. *Nature of Action***

On October 5, 2022, Gershun Richandre Freeman died face down on the floor of the Shelby County Men’s Jail (the “Jail”). He died handcuffed and naked, with a correctional officer’s knee in his back and hand around his neck. Minutes earlier, ten or more employees of the Shelby County

Sheriff's Office (the "SCSO"), including members of the Jail's infamous Detention Response Team (the "Blackshirts"), had brutally stomped Mr. Freeman, bathed him in chemical irritant, and struck him repeatedly with implements including mace cans, handcuffs, and heavy rings of jailer's keys. Those events give rise to this action.

Mr. Freeman's killing did not happen in a vacuum. It resulted from certain policies and customs of the Shelby County government (the "County") and the pronounced dereliction of Shelby County Sheriff Floyd Bonner and Chief Jailer Kirk Fields. The County's practices, and Sheriff Bonner and Chief Fields' derelict leadership, made a scene like what unfolded on October 5, 2022 all but inevitable.

Plaintiff Nicole Freeman brings this action as Mr. Freeman's surviving spouse, on behalf of all wrongful-death beneficiaries. Her federal claims sound under the Americans with Disabilities Act of 1990, the Civil Rights Act of 1871, and *Monell v. Department of Social Services of New York City*, 436 U.S. 658 (1978). She also pleads common-law negligence claims, under this Court's pendant jurisdiction, which sound under Tennessee's Governmental Tort Liability Act (the "GTLA").

### **B. *Relevant History of the Shelby County Jail***

While not itself a basis for Defendants' liability here, the history of civil-rights violations at the Jail is relevant to this action because that history demonstrates the County's awareness of the sorts of policies, customs, and practices likely to deprive inmates of their constitutional rights. The Civil Right Division of the United States Department of Justice (the "DOJ") investigated the Jail in 2000 and summarized its observations in a letter to Shelby County then-Mayor, Jim Rout.<sup>1</sup> The DOJ directly linked the constitutional violations in the Jail to "a lack of effective oversight...and

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<sup>1</sup> **Exhibit A.**

the lack of supervision to prevent the staffs' use of force exceeding the limitations of policy.”<sup>2</sup> The DOJ recommended ways to fix the problems it saw and gave the County a reasonable time to redress these issues.

When the County failed to fix Jail conditions, the DOJ sued the County to enjoin it “from depriving persons incarcerated at the Jail . . . of rights, privileges or immunities secured and protected by the Constitution of the United States.” *United States v. Shelby County, et. al.*, No. 2:02-CV-02633. Shelby County and the DOJ reached a Settlement Agreement to remedy the Jail’s deficiencies in “inmate on inmate violence,” “inmate classification,” “staffing,” and “security,” through improved policies and customs.<sup>3</sup> Conditions at the Jail improved for several years. Recently, policies and customs—accompanied by increased violations of inmates’ constitutional rights—have returned to pre-Settlement-Agreement norms.

By entering into the Settlement Agreement, Shelby County recognized the Jail’s custom of violating inmates’ constitutional rights and addressed those violations in its Standard Operating Procedure guidelines which, if adhered to, reasonably protected the safety of inmates in their care and custody. Among the most basic terms of the Agreement, the Jail agreed to implement an effective system for the prompt discipline of staff who violate its use-of-force policies.<sup>4</sup> These specifics mean that, in the time since the County agreed to it, the County has known of the constitutional magnitude of the risk posed by certain customs and patterns of conduct by Jail staff, as well as the sorts of remedial measures required to mitigate that risk. Those customs and patterns of conduct include those that Plaintiff alleges below resulted in the brutalization and death of Mr.

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<sup>2</sup> *Id.* at 6.

<sup>3</sup> **Exhibit B.**

<sup>4</sup> *See id.* at 4.

Freeman. The County's history with the DOJ means that it knew the risk posed by the customs and patterns of conduct alleged below, and it knew exactly how to fix things, well before its employees killed Mr. Freeman.

## **II.**

### **SUBJECT MATTER JURISDICTION AND VENUE**

1. This Court has original subject-matter jurisdiction, under 28 U.S.C. §§ 1331 and 1343(a), to hear and adjudicate Plaintiff's federal claims under 42 U.S.C. §§ 1983 and 12132.

2. This Court has supplemental jurisdiction, under 28 U.S.C. §§ 1331 and 1343(3), (4), to adjudicate all state-law claims pendent to the federal claims that are the thrust and gravamen of this action.

3. This Court provides proper venue for this action under 28 U.S.C. § 1391(b) because the action arises from events that occurred in the Western District of Tennessee.

## **III.**

### **PARTIES AND JURISDICTION**

4. Plaintiff Nicole Freeman ("Ms. Freeman" or "Plaintiff") is the widow of Mr. Freeman, a resident of Shelby County, and the mother of Mr. Freeman's minor child, T.F. As surviving spouse, Ms. Freeman holds first right under Tennessee's wrongful-death statutes to prosecute this action. Tenn. Code Ann. § 20-5-107. She brings this suit on behalf of herself, the minor child T. F., and all other wrongful-death beneficiaries.

5. Defendant Floyd Bonner, Jr. ("Sheriff Bonner") is the County Sheriff. Technically also a County employee, Sheriff Bonner holds an elected office statutorily vested with responsibility for the safe and constitutional operation of the Jail. Sheriff Bonner previously served

as a correctional officer in the Jail and can be served with process at 201 Poplar Avenue, 9th Floor, Memphis, Tennessee 38103. He is sued in his individual capacity.

6. Defendant Kirk Fields (“Chief Fields”) is the director of the Jail and a Shelby County employee. Through Sheriff Bonner, the County has vested Chief Fields with responsibility for the safe and constitutional operation of the Jail. He can be served with process at 201 Poplar Ave., 9th Floor, Memphis, Tennessee, 38103. He is sued in his individual capacity.

7. The County is a party defendant to this matter in its capacity as a local-government body and political subdivision of the State of Tennessee. The County is subject to service of process through the office of the County Attorney, Marlinee Iverson, at 160 North Main Street, 9th Floor, Memphis, Tennessee 38103. Among other functions, the County operates and maintains the SCSO and the Jail. The County and its agents acted under color of state law at all pertinent times.

8. Below, the “Defendants” shall refer collectively to the County, Sheriff Bonner, and Chief Fields.

#### IV.

#### FACTUAL ALLEGATIONS

##### A. *The Death of Gershun Freeman*

9. Cameras the County installed in the Jail captured much of what transpired on October 5, 2022. Plaintiff’s attorneys have possession of a single thirteen (13) minute and eight (8) second compilation of camera footage of the incident provided to them by the Davidson County District Attorney’s Office (the “DCDAG”), which is investigating the incident for possible criminal charges. Concurrently with this pleading, Plaintiff moves for leave of this Court to file the camera-footage compilation as **Exhibit C** to this pleading and requests this Court to instruct

the Clerk's Office to accept custody of an electronic-storage device containing the compilation, to be delivered to the Clerk's Office by Plaintiff's counsel.

10. Mr. Freeman entered the Jail on October 1, 2022, following charges brought against him by officers of the Memphis Police Department.

11. Mr. Freeman's reported behavior leading to his arrest was abnormal and uncharacteristic of him. His family suspected he was experiencing a mental-health crisis.

12. In accordance with County policy, the Jail provided Mr. Freeman with a perfunctory mental-health screening upon his arrival. The "evaluation" process consisted of a brief oral interview conducted by a licensed practical nurse or medical assistant. The Jail contracts with Wellpath, LLC, its medical services provider, for limited mental health services. The Jail has no formal structure for the provision of mental or behavioral health services, even though it houses approximately 200 inmates with specifically identified behavioral-health issues on the second floor and approximately another 150 such inmates scattered throughout other parts of the facility. This means that, at any given time, fifteen to twenty percent of the Jail population requires mental or behavioral health services of some kind. Despite those numbers, the County provides only an LPN with a checklist to screen for even the most severe mental health issues. The perfunctory screening process all but ensures a high rate of mis- or missed diagnoses for inmates' psychiatric disabilities or acute psychiatric conditions. This failure to diagnose results in a failure to route inmates in need to an alternate facility capable of providing adequate psychiatric or other behavioral-health care. Upon information and belief, the Jail's perfunctory screening process failed to diagnose Mr. Freeman upon his arrival.

13. Sometime in the days following his arrival at the Jail, Jail staff transferred Mr. Freeman to the 4-Juliet cell pod, known also as the suicide pod, located on the fourth floor of the

Jail. Upon information and belief, this transfer required a determination by staff that Mr. Freeman was experiencing a mental-health crisis and posed an imminent risk of self-harm.

14. In the suicide pod, Jail staff put Mr. Freeman in a cell, naked and alone, with only a paper-like orange “tarp” to use for warmth.

15. Typically, Jail staff feed detainees on the suicide pod by delivering food trays to their individual cells. The Jail community refers to these feedings as “tray time.”

16. Sometime prior to evening tray time on October 5, 2022, Mr. Freeman started to exhibit symptoms of active psychosis. Upon information and belief, the psychosis was a symptom of the psychiatric or psychological problems then afflicting him.

17. Come evening tray time, two correctional deputies entered the 4-Juliet pod. One carried a stack of trays. The other sauntered ahead of him, shaking a can of mace.<sup>5</sup>

18. Because many of the individuals in 4-Juliet pod suffer from severe mental health disorders and therefore pose a greater than average proneness to erratic behavior, Jail policy requires guards to feed the 4-Juliet inmates through security flaps on the cell doors. Fully opening the cell doors on this pod substantially increases the likelihood of confrontation with inmates suffering from acute psychosis or other destabilizing psychiatric conditions.

19. When the deputies reached Mr. Freeman’s cell, in violation of policy and without good reason, but just as they had for the other cells in 4-Juliet, the deputies directed a third staff member, who was operating the cell-pod doors from the far end of the hallway, to completely open Mr. Freeman’s cell door. As the door rolled open, the deputy holding the can of mace raised and pointed it at Mr. Freeman.<sup>6</sup>

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<sup>5</sup> Ex. C 00:00–40.

<sup>6</sup> Sheriff Bonner, in a public statement criticizing release of the video, described the video as “out-of-context” and stated that Mr. Freeman was engaged in “erratic and violent behavior that led to

20. Holding up his orange tarp to shield himself from the deputy's mace, Mr. Freeman attempted to bat away the mace can in the deputy's hand.<sup>7</sup> As he did so, Mr. Freeman exited his cell; he did not attempt to strike the deputy, but only to deflect the source of the chemical irritant.

21. As Mr. Freeman reached for the mace in the first deputy's hand, the second deputy stepped toward Mr. Freeman and struck him with an overhand "haymaker" punch, knocking Mr. Freeman to the floor.

22. Then, in tandem, the two deputies beat and stomped Mr. Freeman no fewer than eighteen (18) times in the seconds before other officers reached the scene.<sup>8</sup>

23. Watching the above unfold, the door operator, who could at that point have closed the main door to the 4-Juliet cell pod, limiting Mr. Freeman's access to any other part of the Jail, and could have called Jail medical staff immediately because the two correctional deputies had just maced Mr. Freeman and were actively beating him, instead left the main cell-pod door open and unattended, and joined in the beating. The door operator sprayed enough chemical irritant toward Mr. Freeman that the caustic chemicals pooled on the floor, creating a hazard for everyone in the cell pod. The door operator then beat Mr. Freeman with the metal cannister of mace.<sup>9</sup>

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the need to restrain Mr. Freeman." This is nonsensical. Mr. Freeman was confined alone in a cell. He posed no threat to anyone until deputies opened the door wielding a can of pepper spray to subdue Mr. Freeman. This is especially relevant given Mr. Freeman's psychotic state. No reasonable corrections officer nor facility compliant with the Americans with Disabilities Act would utilize pepper spray and a beating to subdue an already-secure individual suffering from acute psychosis.

<sup>7</sup> **Ex. C** 00:40.

<sup>8</sup> *Id.* at 00:40–49.

<sup>9</sup> *Id.* at 00:50–58.



24. Within seconds, no fewer than seven (7) additional Jail staff members arrived on scene and joined in the melee. They included regular correctional deputies and members of the Blackshirts, a special Jail unit known for their physicality and rough treatment of detainees.

25. Over the next minute, Blackshirts and other staff punched, kicked, and struck Mr. Freeman with various implements. Mr. Freeman tried to crawl down the hallway through pools of oil-based irritant. He twice tried to cling to his assailants' feet.<sup>10</sup>

26. A male Blackshirt fashioned handcuffs on his fist and struck Mr. Freeman no fewer than three (3) times with these makeshift brass knuckles.<sup>11</sup> Jail staff has a history of using handcuffs as striking implements.

27. In addition to boots and fists, handcuffs, and mace cannisters, Jail staff struck Mr. Freeman with heavy rings of "door-roll keys" and sets of brass handcuff keys. Using such equipment contrary to the equipment's purpose, strictly to inflict pain and punishment, served no legitimate penological or custodial purpose.

28. After ten (10) or more Jail staff shoved him away from his cell and bulldozed him out of the suicide pod, Mr. Freeman—disoriented—stumbled down an adjacent hallway. Correctional officers doused him with more irritant. Then, someone wearing a SCSO supervisor's shirt and tie grabbed Mr. Freeman and slammed him to the floor.<sup>12</sup>

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<sup>10</sup> *Id.* at 00:50–51.

<sup>11</sup> *Id.* at 1:00–03.

<sup>12</sup> *Id.* at 2:46–56.

29. As Mr. Freeman lay on the floor, other Jail staff kicked him and doused him in more chemical irritant. Here again, Jail staff sprayed so much chemical irritant that it formed a pool on the floor.<sup>13</sup>

30. After this second melee, Jail staff allowed or even encouraged Mr. Freeman to stumble past them and make his way up an escalator to the fifth floor.

31. After Mr. Freeman reached the fifth floor, several deputies, who had followed him up the escalator, cornered him upstairs. They punched, kicked, and slammed Mr. Freeman to the floor once again.<sup>14</sup>

32. Those same correctional deputies quickly gained control of Mr. Freeman, who was still naked and now drenched in mace. They handcuffed his hands behind his back, then pressed him, facedown, against the floor.

33. Deputies held Mr. Freeman in the facedown position for over five minutes, kneeling on his back, neck, and head.<sup>15</sup> At some point, Mr. Freeman stopped breathing.

34. Upon information and belief, Jail staff knew Mr. Freeman had stopped breathing by the time they lifted his limp body from the floor to reveal a pool of blood underneath his head.<sup>16</sup>

35. Although Jail staff must have known Mr. Freeman had stopped breathing when they lifted his limp and motionless body, they made no attempt to resuscitate him in the nearly three (3) minutes before medical staff arrived.

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<sup>13</sup> *Id.* at 4:05–15.

<sup>14</sup> *Id.* at 4:50 – 5:10.

<sup>15</sup> *Id.* at 05:00 – 10:20.

<sup>16</sup> *Id.* at 10:23–10:28.

36. Until medical staff arrived, Jail staff largely milled about Mr. Freeman's body, stepping over and around it. At one point, a deputy carrying paperwork walked directly over Mr. Freeman's lifeless form, glancing down as he passed.<sup>17</sup> Not a single corrections officer attempted to initiate CPR.

**B. No Accountability**

37. In the hours following the incident, agents from the Tennessee Bureau of Investigation (the "TBI"), at the request of the Shelby County District Attorney General (the "SCDAG"), began an investigation of the incident.

38. Upon information and belief, Jail staff and other SCSO employees interfered with the TBI's investigation in at least the following ways:

- (a) Giving false narrative accounts of the incident;
- (b) Telling the TBI that no Jail detainees witnessed the incident;
- (c) Intimidating Jail detainees who did witness the incident from reporting what they saw to TBI agents; and
- (d) Withholding pertinent camera footage from the TBI.

39. Upon information and belief, County leadership has not terminated or otherwise meaningfully disciplined any Jail staff members who participated or declined to intervene in the events described above.

40. In response to the release of the jail-camera footage by the Davidson County District Attorney General's office (the "DCDAG"),<sup>18</sup> Sheriff Bonner criticized the DCDAG for its transparency, falsely accused the DCDAG of releasing the video "out of context," and announced

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<sup>17</sup> *Id.* at 11:13–23.

<sup>18</sup> The SCDAG transferred investigation of the incident and prosecution of any appropriate criminal charges to the DCDAG.

he would refrain “from taking further administrative action” against any SCSO employees involved, pending the outside criminal investigation.<sup>19</sup>

41. Upon information and belief, Sheriff Bonner had not taken any administrative action prior to the statement above; by saying he would refrain from taking *further* action, Sheriff Bonner meant he would refrain from taking *any* action. His inaction means that Jail staff currently under criminal investigation by the DCDAG are still working in the Jail, where they have authority and control of potential witnesses. Thus, Sheriff Bonner has not merely ratified his subordinates’ actions. His inaction threatens the integrity of the criminal investigation.

42. Sheriff Bonner and the County’s inaction in the face of Mr. Freeman’s death fits a preexisting pattern of *de minimis* response to inmate deaths and other use-of-force incidents in the Jail, as discussed below.

### C. *Pattern and History of Jail Problems*

43. Not only were the County’s policies, as understood and applied by Jail staff, insufficient to protect the constitutional rights of pre-trial detainees. It was also the County’s unwritten but affirmative policy and custom to tolerate and tacitly approve of Jail staff members’ use of excessive and unwarranted force as a means of Jail population control.

44. The fact that at least fourteen (14) correctional officers committed the violent acts described above in front of one another, with no fear of punishment or lowering of esteem, *by itself* reveals a custom of tolerance to the use of excessive force against prisoners.

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<sup>19</sup> Lucas Finton, *Surveillance footage from jail shows officers kneeling on inmate’s back for almost six minutes*, THE COMMERCIAL APPEAL (March 2, 2023, 4:56 PM), <https://www.commercialappeal.com/story/news/2023/03/02/video-released-of-shelby-county-jail-officers-beating-inmate/69964005007/> (updated March 3, 2023, 6:28 AM).

45. Further evidence of a culture of tolerance lies in the recent “disciplinary” history of Jail staff, replete with substantiated findings of excessive or unwarranted force against inmates. Between June 2018 and September 2021, the County saw thirty-two (32) substantiated violations of the SCSO’s excessive or unwarranted force policies in the Jail.<sup>20</sup> Only one (1) of these resulted in a Jail staff member’s termination.<sup>21</sup> The County chose not to terminate its employees involved in the other incidents, despite their criminal conduct.<sup>22</sup>

46. Sheriff Bonner has actively resisted the implementation of policies intended to curb the use of excessive force within the SCSO. He testified before the County’s legislative body in opposition to a proposed ordinance that would have implemented a tracking system for excessive-force incidents, disqualified SCSO applicants for excessive-force violations in prior employment, and mandated revocation of certain law-enforcement certifications of officers disciplined for excessive force.

47. Mirroring Sheriff Bonner’s ostrich stance, the County has refused even to centralize information regarding use of excessive force in the Jail.

48. In response to a September 2020 request for records of all County public-safety officers’ violations of the County’s use-of-force policies in the preceding two years, the County said it did not maintain those records in a format that allowed identification or production, even to its own lawmakers. The decision to not maintain this data reveals the County’s willful blindness

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<sup>20</sup> Plaintiff’s Rule 1006 Summary of those violations is hereto attached as **Exhibit D**.

<sup>21</sup> This was the only instance Plaintiff’s counselors are aware of from Shelby County in which a correctional officer from 201 Poplar was criminally charged for their battery of a citizen of Shelby County.

<sup>22</sup> **Ex. D**.

to incidents of excessive force in the Jail. Almost by definition, willful blindness *to* excessive force permits the continued use *of* excessive force.<sup>23</sup>

49. The County nominally adopted a “duty to intervene” policy in June 2020. But it never trained Jail staff to implement the policy, never gave them written information about the policy, and never advised them of any consequences for violating the policy. The “duty to intervene” policy thus existed in name only. The County’s de facto policies do *not* require officers to intervene in unwarranted or excessive force incidents.

50. The Fourteenth Amendment to the United States Constitution requires Jail staff to maintain a reasonably safe and secure custodial environment, free from unwarranted or excessive force by Jail staff, even when doing so would require active restraint of fellow staff members. The County’s choice not to train, discipline, or supervise Jail staff as to the “duty to intervene” policy amounted to a policy of acquiescence to the use of unwarranted or excessive force against inmates and reflected a deliberate indifference to their Fourteenth Amendment rights.

51. The Jail saw eight (8) prisoner deaths between January 1, 2022 and October 5, 2022, not including Mr. Freeman.<sup>24</sup> Most of these deaths occurred on the fourth floor of the Jail and considered independently or with the other violations alleged above, put the County on notice that its correctional officers were not receiving proper supervision.

52. This rate of inmate deaths is substantially higher than the national norm. Indeed, the Jail now stands among the most dangerous pre-trial detention facilities in the United States.

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<sup>23</sup> Plaintiff’s counsel ultimately obtained evidence of the instances of substantiated excessive force through discovery in a case remarkably similar to this instance.

<sup>24</sup> Two (2) more deaths occurred outside the Jail but in SCSO custody.

The pattern of jail deaths also put the County on notice that its current policies and customs do not protect the health and safety of Jail inmates.

53. The allegations above show that the SCSO has entirely failed to adequately train Jail staff at all levels that, *inter alia*:

(a) Use of force against pre-trial detainees is consistent with the objective “excessive force” standard where officers apply force to a person who has been accused but not convicted of a crime, but who is free on bail. *See Kingsley v. Hendrickson*, 576 U.S. 389, 399 (2015); and

(b) Use of force requires that officers consider both the severity of a crime and the threat of harm posed by an individual before the application of force. *Coffey v. Carroll*, 933 F.3d 577, 588 (6th Cir. 2019).

54. The deprivation of Mr. Freeman’s constitutional rights, in addition to his physical injuries, severe psychological and emotional trauma, and death, were direct and proximate results of the County’s above policies and customs, as well as the dereliction and inadequate supervision by Sheriff Bonner and Chief Fields.

55. Plaintiff’s loss of her husband, and the minor child T.F.’s loss of her father, were also direct and proximate results of the County’s above policies and customs, as well as the dereliction and inadequate supervision by Sheriff Bonner and Chief Fields.

**V.**

**FEDERAL CAUSES OF ACTION**

56. Plaintiff incorporates and reiterates the allegations above as if set forth verbatim under the following counts.

57. The Defendants, acting under color of state law, violated the rights of Mr. Freeman secured by the Fourth, Eighth, and Fourteenth Amendments.

**A. Count One: Violation of 42 U.S.C. § 1983 through Policies, Customs, and Practices (Against the County)**

58. As a local government body and political subdivision of the State of Tennessee, the County is subject to liability under section 1983 for the official acts and omissions of its policymakers.

59. Sheriff Bonner, Chief Fields, the SCSO's Assistant Director of Jail Programs, and various other County policymakers enacted policies and tolerated practices and customs that were deliberately indifferent to, and caused the violation of, Mr. Freeman's constitutional rights.

60. These policies, customs, and practices included, but were not limited to, the following:

- (a) The County's official policy of providing detainees only perfunctory mental-health screenings upon arrival to the Jail;
- (b) The County's official policy of confining the provision of emergency-medical care to outside medical staff;
- (c) The County's unwritten custom and practice of tolerating instances of excessive force by Jail staff against inmates;
- (d) The County's unwritten custom and practice of tolerating violations of mental-health and other Jail medical protocols;
- (e) The County's tacit encouragement of Jail staff who inflicted pain and punishment on inmates experiencing mental-health crises as a means of compelling submission and compliance;
- (f) The County's refusal to promulgate appropriate policies or procedures, or to take other measures, to prevent the use of unwarranted or excessive force by Jail staff despite awareness of a clear and persistent pattern of such conduct;
- (g) The County's decision not to adequately train and supervise subordinate correctional officers in the appropriate use of force in the Jail, despite a clear and persistent pattern of excessive-force violations;
- (h) The County's decision not to promulgate appropriate policies or procedures, or to take other measures, to ensure correctional officers' compliance with mental-health and other Jail medical protocols, despite a



clear and persistent pattern of violations of these protocols by Jail staff;

(i) The County's failure to adequately train or supervise subordinate officers in the importance of following mental-health and other Jail medical protocols, despite a clear and persistent pattern of violations of these protocols by Jail staff; and

(j) The County's continued reliance on members of the Blackshirts to fill Jail staffing shortages, despite these officers' well-known and well-documented pattern of using unwarranted and excessive force against detainees.

61. Furthermore, the County ratified the actions of Jail staff that caused and contributed to Mr. Freeman's injuries and death by refusing, through the policymaker Sheriff Bonner, to investigate, or to take administrative action against, the officers involved.

62. Furthermore, the County's demonstrated pattern of inadequately investigating similar incidents supports the inference that the County inadequately investigated this incident.

63. The County's ratification of the subordinate officers' conduct supports the inference that Mr. Freeman's death resulted from policy decisions attributable to the County.

64. The official and *de facto* policies of the County were also direct and proximate causes of Mr. Freeman's injuries because Jail staff acted according to these official and *de facto* policies when they brutalized and killed Mr. Freeman.

**B. Count 2 - Supervisory Liability under 42 U.S.C. § 1983  
(Against Sheriff Bonner)**

65. As the head of the SCSO and the County's chief law-enforcement officer, Sheriff Bonner was at all pertinent times responsible for controlling and supervising the conduct of subordinate SCSO employees.

66. Sheriff Bonner had a non-delegable duty and responsibility to formulate, oversee, and implement official policies, practices, customs, and procedures of and for the SCSO.

67. Long before and at all times pertinent to the events above, Sheriff Bonner knew that:

(a) The perfunctory mental health screenings provided to detainees upon arrival at the Jail were inadequate to identify inmates with psychological and psychiatric problems despite their outsize prevalence among the Jail population and that a more robust screening process would provide adequate protection;

(b) The County's official policy of confining the provision of emergency-medical care to outside medical staff, rather than SCSO Jail staff, was resulting in a failure to provide necessary medical care in the initial minutes of medical emergencies (i.e., before medical staff could arrive);

(c) In a clear and persistent pattern, the Blackshirts and other Jail staff regularly used excessive force against prisoners;

(d) In a clear and persistent pattern, the Blackshirts and other Jail staff regularly violated mental-health and other Jail medical protocols;

(e) In a clear and persistent pattern, the Blackshirts and other Jail staff regularly inflicted pain and punishment on inmates experiencing mental-health crises as a means of compelling submission and compliance;

(f) The Jail lacked appropriate policies, procedures, or training to prevent the use of excessive or unlawful force by correctional officers in the Jail despite awareness of a clear and persistent pattern of such conduct;

(g) The Jail lacked appropriate policies, procedures, or training to ensure correctional officers' compliance with mental-health and other Jail medical protocols, despite a clear and persistent pattern of violations of these protocols by Jail staff; and

(h) The use of the Blackshirts to fill Jail staffing shortages, despite these officers' well-known and well-documented pattern of using excessive force against detainees was resulting in more excessive force incidents than would have occurred if regular correctional deputies staffed these positions.

68. The pre-trial detainees in the Jail had clearly established rights to receive basic mental-health and other medical care, and to be free from unwarranted or excessive force.

69. The camera footage and incident records in this matter demonstrate Jail staff were either unaware of clearly established law or believed they would not face meaningful consequences

for violating pre-trial detainees' rights. This level and degree of ignorance among SCSO employees demonstrates that Sheriff Bonner failed to properly train or supervise his subordinates on fundamental principles regarding use of force and mental-health and other medical protocols.

70. Properly trained and supervised public-safety officers and other personnel would not have engaged in the acts that preceded and caused Mr. Freeman's death.

71. Sheriff Bonner's failure to properly control or supervise his subordinates in the manner alleged under this Count directly and proximately caused Mr. Freeman's injuries and death, and Plaintiff and T.F.'s losses of their husband and father, respectively.

72. Sheriff Bonner's failure to provide adequate and proper training and supervision, as evidenced by the actions of so many officers in this matter amounted to deliberate indifference and disregard for the constitutional rights of detainees like Mr. Freeman.

**C. *Count 3 - Supervisory Liability under 42 U.S.C. § 1983  
(Against Chief Fields)***

73. As the County's Chief Jailer, Chief Fields was at all pertinent times responsible for controlling and supervising the conduct of Jail staff and for the safety and wellbeing of the Jail's pre-trial detainees.

74. Chief Fields had a non-delegable duty and responsibility to formulate, oversee, and implement official policies, practices, customs, and procedures for Jail staff.

75. Long before and at all times pertinent to the events above, Chief Fields knew that:

(a) The perfunctory mental-health screenings provided to detainees upon arrival at the Jail was inadequate to identify inmates with psychological and psychiatric problems, and that a more robust screening process would provide adequate protection;

(b) The County's official policy of confining the provision of emergency-medical care to outside medical staff, rather than SCSO Jail staff, was resulting in a failure to provide necessary medical care in the initial minutes of medical emergencies (i.e., before medical staff could arrive);

(c) In a clear and persistent pattern, the Blackshirts and other Jail staff regularly used excessive force against prisoners;

(d) In a clear and persistent pattern, the Blackshirts and other Jail staff regularly violated mental-health and other Jail medical protocols;

(e) In a clear and persistent pattern, the Blackshirts and other Jail staff regularly inflicted pain and punishment on inmates experiencing mental-health crises as a means of compelling submission and compliance;

(f) The Jail lacked appropriate policies, procedures, or training to prevent the use of excessive or unlawful force by correctional officers in the Jail despite awareness of a clear and persistent pattern of such conduct;

(g) The Jail lacked appropriate policies, procedures, or training to ensure correctional officers' compliance with mental-health and other Jail medical protocols, despite a clear and persistent pattern of violations of these protocols by Jail staff; and

(h) The use of the Blackshirts to fill Jail staffing shortages, despite these officers' well-known and well-documented pattern of using excessive force against detainees was resulting in more excessive force incidents than would have occurred if regular correctional deputies staffed these positions.

76. The pre-trial detainees in the Jail had clearly established rights to receive basic mental-health and other medical care, and to be free from unwarranted or excessive force.

77. The camera footage and incident records in this matter demonstrate that Jail staff were either unaware of clearly established law or believed they would not face meaningful consequences for violating pre-trial detainees' rights. This level and degree of ignorance demonstrates that Chief Fields failed to properly train or supervise subordinate Jail staff regarding use of force and mental-health and other medical protocols.

78. Properly trained and supervised public-safety officers and other personnel would not have engaged in the acts that preceded and caused Mr. Freeman's death.

79. Chief Fields' failure to properly control or supervise his subordinates as alleged under this Count directly and proximately caused Mr. Freeman's injuries and death, and Plaintiff and T.F.'s losses of their husband and father, respectively.

80. Chief Fields' failure to provide adequate and proper training and supervision, as evidenced by the actions of so many officers in this matter was so grossly negligent that it amounted to deliberate indifference and disregard for the civil and constitutional rights of detainees like Mr. Freeman.

**D. Count 4 – Violation of the Americans with Disabilities Act  
(Against the County)**

81. “In the Americans with Disabilities Act [the “ADA”], Congress provided [a] broad mandate” to “effectuate its sweeping purpose [to] . . . forbid[] discrimination against disabled individuals in major areas of public life, [including] . . . public services . . . .” *PGA Tour, Inc. v. Martin*, 532 U.S. 661, 675 (2001). It is “a milestone on the path to a more decent, tolerant, progressive society.” *Id.* (quoting *Bd. of Trustees of Univ. of Ala. v. Garrett*, 531 U.S. 356, 375 (2001) (Kennedy, J., concurring)).

82. The ADA embodies a public policy committed to the removal of a broad range of impediments to the integration of people with disabilities into society and strengthening the federal government's role in enforcing the standards established by Congress.

83. The ADA requires that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132.

84. The ADA further prohibits any public entity from, either directly or through contractual or other arrangements, using any criteria or methods of administration that (a) have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of their disability or (b) perpetuate the discrimination of another public entity if both public entities are subject to common administrative control or are agencies of the same State. 28 C.F.R. §§ 35.130

(b)(3)(i), (iii).

85. The ADA further forbids retaliation against individuals with disabilities on the basis of their disabilities.

86. Mr. Freeman was an individual with a medical condition that substantially limited one or more major life activity, and therefore, was considered to be a person with a disability under the ADA. *See* 29 U.S.C. § 705(9)(B), as amended by the ADA Amendments Act, Pub. L. 110-325, Sec. 7, 122 Stat. 3553 (Sept. 25, 2008).

87. Shelby County is a public entity subject to the ADA.

88. At the time of the incident that forms the basis of this Complaint, Mr. Freeman was suffering from acute psychosis that derived from his disability.

89. Mr. Freeman was one of hundreds of detainees at the Jail with such mental health disabilities. At any given time, the Jail houses between 150 and 350 detainees with *diagnosed* mental health disorders. The Jail is well-aware of the need for mental health accommodations to be compliant with the ADA but provides totally inadequate resources to meet those needs.

90. Further, 4-Juliet pod was supervised by senior deputies with authority to provide reasonable modifications that would accommodate Mr. Freeman's disability or otherwise remedy practices that violated the ADA.

91. The lack of training the senior deputies supervising the 4-Juliet pod received, along with the fundamental lack of investment in mental-health resources for the Jail, violated ADA requirements.

92. Jail staff discriminated against Mr. Freeman on the basis of his disability when they responded to his symptoms of acute psychosis, attributable to his disability, with gratuitous and punitive violence.

93. The County subjected Mr. Freeman to discrimination on the basis of his disability, in violation of 34 C.F.R. § 104.4(b)(4), by operating a mental-health pod that lacked adequate mental-health staff and utilized Jail staff with no medical training, who were ignorant of de-escalation techniques, to manage inmates experiencing acute psychosis.

94. The County used methods of administration that had the effect or purpose of defeating or substantially impairing accomplishment of the objectives of the Jail's programs and services in violation of 34 C.F.R. § 104.4(b)(4).

## VI.

### PENDANT CAUSES OF ACTION

95. Plaintiff incorporates, re-alleges, and reiterates the allegations in Paragraphs 1-94 as if set forth verbatim under this count.

96. In addition, Plaintiff avers that the County is liable under the Tennessee Governmental Tort Liability Act, Tennessee Code Annotated section 29-20-205 because certain County employees involved in Mr. Freeman's death, who either were not—or were not *exclusively*—deliberately indifferent to his constitutional rights, nonetheless did act with simple negligence. These negligent County employees included but were not limited to:

- (a) The corrections deputies who struck, improperly restrained, and failed to intervene in the violent assault on Gershun Freeman;
- (b) The deputies who opened Gershun Freeman's cell door while he was in a psychotic state;
- (c) The Jail officials with responsibility for the supervision of the corrections deputies who killed Gershun Freeman; and
- (d) Sheriff Bonner and Chief Fields (if and only if a finder of fact determines that their conduct was merely negligent and not deliberately indifferent):

97. Those County employees were negligent in that:

- (a) They owed Mr. Freeman a duty of care;
- (b) They breached that duty;
- (c) That breach of duty contributed to Mr. Freeman's injuries and wrongful death; and
- (d) It was foreseeable that the County employees' breach of duty would cause Mr. Freeman's injuries and wrongful death.

## **VII.**

### **LOSS OF CONSORTIUM**

98. Plaintiff incorporates, re-alleges, and reiterates the allegations above as if set forth verbatim under this count.

99. Plaintiff was at all relevant times the wife of Mr. Freeman, and her minor child was the child of Mr. Freeman and, as such, they were entitled to the comfort, companionship, society, love, enjoyment, and support of Mr. Freeman.

100. As a direct and proximate result of the facts alleged above, the Plaintiff and her minor child were deprived of the comfort, companionship, society, love, enjoyment, and support that Mr. Freeman would otherwise have provided them.

101. Plaintiff and her minor child have suffered and will continue to suffer economic loss and have otherwise been emotionally and economically injured.

102. Plaintiff's injuries and damages are permanent and will continue into the future. Plaintiff seeks actual and punitive damages from the Defendants alleged herein.

## **VIII.**

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully demands judgment against the Defendants on each Count of the Complaint and prays that this Court:



- A. Permit Plaintiff leave to amend this Complaint after reasonable discovery;
- B. Empanel a jury to try this matter;
- C. Award Plaintiff compensatory damages in an amount to be determined according to the proof;
- D. Award Plaintiff punitive damages against the individual Defendants in an amount to be determined according to the proof;
- E. Award Plaintiff taxable costs and expenses under 28 U.S.C. § 1920 and Federal Rule of Civil Procedure 54;
- F. Award Plaintiff reasonable attorneys' fees and non-taxable expenses under 42 U.S.C. § 1988;
- G. Award Plaintiff pre- and post-judgment interest under Tennessee Code Annotated section 47-14-123; and
- H. Grant such other and further relief as the Court may deem appropriate under the circumstances.

Dated April 4, 2023.

Respectfully submitted,

/s/ Brice M. Timmons

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THE UNITED STATES  
DEPARTMENT OF JUSTICE

## FINDINGS LETTER RE INVESTIGATION OF SHELBY COUNTY JAIL

The Honorable Jim Rout  
Mayor of Shelby County  
160 North Main, Suite 805  
Memphis, Tennessee 38103

Re: Investigation of Shelby County Jail Memphis, Tennessee

Dear Mayor Rout:

On August 24, 2000, we notified you of our intent to investigate conditions in the Shelby County Jail ("SCJ"), pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. Section 1997 et seq. Our investigation focused on allegations of inadequate supervision of inmates and staff that lead to excessive levels of violence in the facility, inadequate mental health and medical care, and deficient sanitation and environmental health. I am writing to report the findings of our investigation, supporting facts, and recommended remedial measures, as required by CRIPA.

On October 4-6, and December 11-13, 2000, we toured the SCJ with expert consultants in prison security, correctional health care, mental health care and environmental health and safety. Our consultants subsequently prepared reports to us of their findings and recommendations. While at the SCJ, we interviewed administrators, staff, and inmates and reviewed documents, including policies and procedures, incident reports and medical records. In addition, we received and reviewed the documents provided to us before, during and following our on-site tours. We also reviewed the December 22, 2000 Opinion Finding Defendants in Contempt of Court, entered by the district court in *Little v. Shelby County*, No. 96-2520 (W.D. Tenn.) (the "Little Findings"), and the March 14, 2001 Technical Assistance Report from the National Institute of Corrections ("NIC"). At the end of our October visit, our expert consultants in corrections, medical care and environmental health conducted exit interviews in which they conveyed their preliminary findings.

We appreciate the assistance provided to us by the Shelby County Sheriff's office and representatives of the county government. In particular, staff at the Jail and in the office of the Sheriff's legal advisor extended every courtesy to us during our visits, and provided all documents we requested.

Based on our investigation, however, and as described more fully below, we conclude that certain conditions at the SCJ violate the constitutional rights of inmates. We find that persons confined in the SCJ risk serious injury from deficiencies in the following areas: security and protection from harm, mental health and medical care, and environmental health and safety. Crowding in the facility exacerbates these deficiencies.

### **I. Legal Framework**

The constitutional law governing conditions of confinement for inmates has two sources, the Eighth and Fourteenth Amendments. Pre-trial detainees, individuals who have not been convicted of the criminal offenses with which they have been charged, comprise the majority of inmates at the SCJ. Under the Fourteenth Amendment, these inmates "retain at least those constitutional rights . . . enjoyed by convicted prisoners." *Bell v. Wolfish*, 441 U.S. 520, 545 (1979). Further, the Fourteenth Amendment prohibits punishment of pretrial detainees or the imposition of conditions or practices not reasonably related to the legitimate governmental objectives of safety, order and security. *Id.* at 535-37.

Under the Eighth Amendment, convicted inmates at the SCJ are entitled to "humane conditions of confinement; prison officials must ensure that inmates receive adequate food, clothing, shelter and medical care and must 'take reasonable measures to guarantee the safety of the inmates.'" *Farmer v. Brennan*, 511 U.S. 825, 832-833 (1994) (quoting *Hudson v. Palmer*, 468 U.S. 517, 526 (1984)). The Eight Amendment also forbids excessive physical force against prisoners. *Hudson v. McMillian*, 503 U.S. 1, 9 (1992). Likewise, prison officials have a duty to protect prisoners "from violence at

the hands of other prisoners." Farmer, 511 U.S. at 833. The Eighth Amendment protects prisoners not only from present and continuing harm, but from future harm as well. *Helling v. McKinney*, 509 U.S. 25, 33 (1993).

The SCJ must ensure that inmates receive adequate medical care, including mental health care. See *Farmer v. Brennan*, 511 U.S. 825, 832 (1994); *Phillips v. Michigan Department of Corrections*, 731 F. Supp 792 (W.D. Mich. 1990, aff'd 932 F.2d 969, 1991 WL 76205 (6th Cir. (Mich.)). Deliberate indifference to inmates' (including pretrial detainees) serious medical needs violates the Eighth Amendment because it constitutes the unnecessary and wanton infliction of pain contrary to contemporary standards of decency. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976); *Rich v. City of Mayfield Heights*, 955 F.2d 1092, 1096 (6th Cir. 1992).

## II. The Shelby County Jail Facilities

The Shelby County Sheriff's Office operates the SCJ, which consists of four physically separate facilities: the main Jail at 201 Poplar Street in downtown Memphis ("Jail"), the Jail East facility for women located in East Memphis, the prison ward at the University of Tennessee Medical Center (known as the Med), and leased dormitory-style space, known as P Dormitory, at the Shelby County Corrections Facility. We were informed that, by agreement with the City of Memphis, the SCJ also detains all inmates charged by the City, which has no separate jail of its own. Thus, the SCJ houses both men and women of minimum, medium, and maximum security custody, plus an average of more than 100 state-convicted inmates, and a varying number of juvenile detainees who have been remanded, under state law, to face criminal charges as adults.

The downtown Jail was opened in 1981, and had 2,789 beds at the time of our tours. Two floors of the Jail contain dormitory housing, a small number of single cells on the second floor are reserved for inmates with special needs, and the remaining Jail housing is in double-bunked cells. An addition to the Jail is currently under construction, and we are told it will contain space for as many as 250 inmates. The lower level of the Jail is used for intake, booking, classification and pretrial services. The Jail also contains a small medical area on the second floor, an indoor gymnasium, a secure roof-top recreation area, a chapel and a small room used as a law library.

The Sheriff's Office opened a facility known as Jail East in 1999, and moved all female inmates to that facility, which has a separate intake and booking area, a small medical area, and a capacity of 384. P Dormitory, space leased from the Department of Corrections, houses 200 low security male inmates.<sup>(1)</sup> Unless otherwise noted, our findings refer to the main Jail and to Jail East.

## III. Findings and Supporting Facts

### A. Deficient Security and Supervision and Protection from Harm

#### 1. Inmate-on-Inmate Violence

Inmates at the SCJ face an unconstitutional threat of violence from attacks by other inmates. In November of 1997, the district court in the Little case found that:

Gang involvement is very prevalent in the Shelby County Jail. Gangs known as the Gansta Disciples and Vice Lords are present in the Shelby County Jail. Gang members are responsible for many violent acts, stabbings and rapes in the Shelby County Jail.

Little Findings of Fact and Conclusions of Law at 5 (November 12, 1997). On December 22, 2000, the court held, on plaintiffs' motion for contempt, that "[t]hose same conditions exist unchanged in the Shelby County Jail today."

Little Findings at

1. The court found that:

[T]here is no evidence to demonstrate that the guards are adequately supervising the inmates to ensure that the pods to which they are assigned are safe and compatible housing assignments. Rather, the evidence presented [at 5 days of testimony in November and December of 2000] demonstrates that gang members control the daily life of the inmates in 95% of the pods; that the gang members run organized brawls between gang members and non-gang members

[referred to as "Thunderdome"]; that the gang members post rules in the pods that are imposed on other inmates upon threat of physical violence . . . . The Court heard testimony from inmates who had been assaulted in the Jail, both in Thunderdome events and for failing to participate in them, that the guards responsible for supervising the pods to prevent the inmates from assaulting each other were either away from their assigned posts, aware of the assaults but failed to stop them, or asleep.

Little Findings at 38 - 39. The County stipulated that assaults by inmates on other inmates occur in the intake area of the Jail, and that the Gangsta Disciples are responsible for many violent acts towards other inmates in the Jail. Id. at 10-11. These facts concerning gang control and frequent assaults of inmates are consistent with the observations of our consultants.

## **2. Inmates Are Not Supervised Adequately.**

The Jail is chronically short-staffed and plagued by high turnover and absenteeism. Interviews with SCJ officials and correctional officers, review of staffing rosters and the December 22, 2000, Little Findings confirm that the SCJ incurs substantial overtime in order to staff necessary posts. The ongoing personnel shortage compromises institutional security and the safety of inmates and staff. <sup>(2)</sup> Due to short staffing, the SCJ routinely requires officers to supervise more than one pod <sup>(3)</sup> of inmates at a time -- notwithstanding that officers have no line of sight supervision of the cells in these pods. Little Findings at 10, Stipulated Facts Nos. 6 - 9. Moreover, the significant crowding results in so many inmates congregating inside the dayrooms that an officer's view of the back of the dayroom is also obstructed. Officers do not make required rounds of the catwalks to observe conditions inside the cells, and even when they make infrequent rounds, their view into the cells is obstructed by poor lighting and various obstructions hung by the inmates. Thus, housing staff cannot, and do not, supervise inmates adequately. <sup>(4)</sup> The recent testimony in the Little contempt hearings was replete with examples of inmates who suffered harm at the hands of other inmates without interference from -- indeed, often without the knowledge of -- correctional officers. Little Findings at 17, 19-20, 38-39.

Staffing shortages also are blamed for consistently, dangerously low staffing in the intake area, where assaults by inmates upon other inmates frequently occur. The County admits that as many as 150 inmates may be awaiting classification in the intake area, and that only three officers per shift are regularly assigned to intake. Id., Stipulated Facts Nos. 4, 6.

## **3. SCJ Fails to Classify Inmates Effectively.**

SCJ further compromises safety by classifying inmates with a system that has substantial deficiencies. First, a significant flaw with the current classification system is that an inmate's classification is not reviewed on a periodic basis, to take into account possible changes in charges and institutional behavior that might warrant an increase or a reduction in the inmate's classification level. Reviews are particularly important because many inmates remain in the SCJ for many months or years. Second, the system considers only prior convictions in assessing an inmate's criminal history, and does not consider prior assaultive charges for which an inmate currently may be on bond awaiting trial. Third, the SCJ routinely fails to discipline misbehavior while in the facility, and thus, routinely fails to incorporate information about disciplinary findings in its classification and re-classification decisions. Finally, the classification system does not take into account gang affiliation or participation in gang-related activity -- even activity that occurs in the Jail. These deficiencies substantially increase the likelihood of an inmate's classification not reflecting his or her true potential for violence, and increases the risk of serious harm to inmates.

In addition, the Jail's intake area consistently fails to separate and supervise inmates with a potential for violence, leaving inmates prone to attack during the hours -- and sometimes days -- that it takes to complete the booking and classification process. The Jail was designed with separate holding tanks on either side of a hallway of central offices used for booking, identification, preliminary classification, medical screening and pretrial services. The Jail separates inmates and processes them through either the assaultive or the non-assaultive corridor, based only on information available at arrest, primarily, their charges. Both sides of the intake area suffer from deficient staff supervision. In addition, these areas are grossly crowded, with as many as 100-150 inmates at peak times. The holding tanks, with a maximum total capacity of 75 inmates, are inadequate to contain this number of inmates, who often spill into the hallways. The identification unit and medical screening area can be accessed from either the assaultive or the non-

assaultive hallways, and basic security is consistently lax, permitting assaultive and non-assaultive inmates to mix in these areas.

#### **4. SCJ Does Not Discipline Inmates Who Violate Jail Rules.**

SCJ officials have not taken the necessary steps to control inmate misconduct through the disciplinary process. Disciplinary infractions routinely result in no formal discipline, both because mandated hearings are not held within 72 hours, after which the charges expire, and because staff, knowing that follow-up with a hearing and punishment is unlikely, frequently do not initiate the process by charging or "writing up" the inmate. One of the factors contributing to this problem is the lack of sufficient disciplinary segregation beds. "Waiting lists" are common as inmates determined to have violated institutional regulations must wait for a bed in disciplinary segregation to become available. The NIC report also highlighted this problem, calling the number of disciplinary segregation beds "seriously inadequate." NIC Technical Assistance Report at 20. Furthermore, even when disciplinary action is taken, that information is not incorporated into re-classification decisions. This failure substantially increases the likelihood of inmates' classification not reflecting their true potential for violence, and increases the risk of serious harm to inmates.

#### **5. SCJ Does Not Control Dangerous Contraband, Tools or Keys.**

The SCJ fails to conduct sufficient searches of inmate living areas to control inmates' accumulation of dangerous contraband. For example, the shakedown team conducted no shakedowns at Jail East between March and December 2000. During our visit in October, inmates at Jail East complained that other inmates had accumulated stocks of disposable razors from the commissary, a clear security concern. At the main Jail, the shakedown team's log included shanks, razor blades removed from their disposable handles and other forms of life-threatening contraband, as well as stockpiled medications and other items frequently used for barter and extortion among inmates.

Inadequate tool and key control at SCJ create a significant risk of harm to both institutional security and the health and safety of inmates and staff. SCJ staff members at both the Jail and Jail East were unable to identify emergency keys for unlocking doors,<sup>(5)</sup> and a lieutenant assigned to the key storage area could not identify any use for a number of keys under his control. The NIC team made similar observations in its tour of the SCJ in January 2001. We observed inmates with broad access to dangerous tools which could easily be used as weapons, for example, acetylene torches and heavy metal cutters used by unguarded workmen installing a railing in the lower level. We also observed the door to the DRT staging room left open to an adjoining hallway where unescorted inmates walked, despite the fact that chemical agent sprays, among other items, are stored in unlocked cabinets and file drawers in the room.

#### **6. Excessive Use of Force Is Prevalent.**

The level of force used by staff against inmates at the SCJ is excessive, and senior Jail management is aware of the problem. The Chief Jailer conceded that the use of force "may be bordering on high," the Commander of Security acknowledged that staff routinely use chemical agents before using hands-on control techniques (an express violation of SCJ policy), and a former commander of Internal Affairs confirmed the use of force outside the parameters of the staff's training. The use of pepper spray is particularly uncontrolled. The reasons include the lack of guidance in policies, the lack of inventory control for chemical agents, the lack of effective oversight or investigation of all incidents involving this type of force, and the lack of supervision to prevent the staff's use of force exceeding the limitations of policy.

##### **a. Policies on the Use of Force Provide No Operational Guidance.**

The SCJ's use of force policies and procedures are too vague to provide guidance to staff in identifying the limited appropriate circumstances for uses of force. The Constitution permits the use of force in correctional settings only to the extent that the force used by officials is reasonably necessary to respond to a threat to security or discipline reasonably perceived by officials. *Hudson v. McMillian*, 503 U.S. at 7 (discussing factors that courts evaluate in determining "whether the use of force could plausibly have been thought necessary in a particular situation"); *Williams v. Browman*, 981 F.2d 901, 905 (6<sup>th</sup> Cir. 1992) (same). The SCJ's policies, however, describe permissible uses of force more indiscriminately. For example, the SCJ "Use of Chemical Agents" policy permits the use of chemical agents when an inmate "shows no intention of complying" with a verbal order, no matter what the order or how insignificant its impact on security. Inmates complain of being sprayed by officers in the course of verbal disagreements, and numerous reports

indicate that inmates are sprayed with chemical agents on little provocation. However, if an officer states that the inmate refused a verbal order, the officer's behavior is safely within the bounds of SCJ policy. Less forceful alternatives to control inmate behavior, including a show of force through additional or supervising officers, hands-on control tactics, and discipline through the administrative process, are neither encouraged nor required by this policy.

SCJ policy also authorizes the use of force to prevent destruction of county property, no matter how insignificant its value. The exertion of force against inmates, including chemical sprays, to prevent insignificant property damage is excessive, yet is within the bounds of this policy. See *Hudson v. McMillan*, 503 U.S. at 7 (the need for force, the relationship between that need and the amount of force used, and any efforts made to temper the severity of a forceful response are among the factors properly used to evaluate whether the use of force was wanton and unnecessary); *Lock v. Jenkins*, 641 F.2d 488, 496 (7<sup>th</sup> Cir. 1981) (although the significant destruction of prison property might justify the use of tear gas, damage to a food tray does not rise to this level). This policy, in particular, should be amended to authorize force only in the face of destruction of valuable property. Sound use of force policies should provide guidance to staff so that staff's response to the threat posed by an inmate's behavior employs only the force reasonably necessary to control that behavior.

#### **b. Chemical Agents Are Not Inventoried.**

There is no inventory control of canisters of pepper spray. In fact, numerous canisters are held in unlocked file cabinets in the DRT staging room, and canisters are issued to each officer at the training academy. Depleted canisters are replaced upon application. A 1996 policy requiring canisters to be weighed upon issue and quarterly was revised in 1998 to eliminate the quarterly weighing. Monitoring the volume of chemicals used by staff is one way to identify heavy use -- and prevent excessive use -- of chemicals.

#### **c. Uses of Chemical Agents Are Not Investigated.**

There is no effective investigation of the use of chemical agents, the most routine use of force at the SCJ. Staff are required to fill out a form entitled "Use of Chemical Agent," but even the most blatantly inappropriate reasons for the use of chemicals stated on these reports -- indeed, even reports with no stated reasons -- are not investigated by the Internal Affairs Bureau.<sup>(6)</sup>

For example, staff spray inmates when they are verbally aggressive, as in the following report: "Inmate refused to remove his clothing after being placed on suicidal precaution and became verbally abusive and very hostile." Staff frequently spray inmates displaying behaviors characteristic of mental illness, as in the following examples: "Inmate was beating his head against tank door. He was sprayed to prevent him from hurting himself;" and "[Inmate] refused to talk sensible, he began to praise the devil pulling off all his clothes, walking naked . . . given several orders to go to his cell, but still refused."

None of these instances was investigated, as evidenced by the fact that none appeared in the Internal Affairs Bureau's investigation logbooks. Incidents where inmates were sprayed while lying prone on the floor or while locked in their cells were also not investigated. Indeed, the use of chemicals against an inmate is seldom reported on the separate forms designed for that purpose and is even more rarely investigated. To ensure the appropriate use of chemicals by staff, supervisors should provide oversight, feedback and discipline for misuse.

#### **d. Examples of Excessive Force**

A hearing-impaired, mentally ill inmate was pepper sprayed while laying quietly in his cell, then he was forcibly removed from the cell by five members of the Detention Response Team ("DRT") wearing riot gear and gas masks, strapped into a five-point restraint chair, and a solid hood placed over his head. He was then transported to and from a shower in the restraint chair. The stated justification for this extraordinary show of force was that the inmate, who was known to be hearing impaired, had refused a verbal order to take a shower. The use of this level of force in these circumstances, upon an inmate with known disabilities that would affect his ability to comply with staff orders, appears to us to be an example of wilful and wanton infliction of pain without justification.

The policy on use of the restraint chair requires the use of a "disposable spit cap." The policy states that the spit cap is used to "eliminate any potential health hazards." Staff proffered to us that it was used to reduce the possibility of

transmitting HIV. We are aware of no medical or scientific literature to suggest that HIV is transmitted by spitting. Moreover, the disposable mesh bag (i.e. spit cap) that was used in a demonstration on a member of the DOJ team is distinguishable from the opaque bag that was placed over the head of the deaf inmate described above. In the actual incident, as opposed to the demonstration, the inmate's eyes, ears, nose and mouth were completely covered by the "spit cap" that resembled a canvas pillow case. The canvas bag was placed back on the inmate's head after he complied with the DRT's instruction to shower and dress out. The use of the canvas hood is never appropriate. Moreover, because no valid penalogical purpose has been suggested for the disposable spit cap, its use is also inappropriate.

Inmates reported many additional examples of the use of excessive force, particularly involving pepper spray. Several inmates in one pod, independently and without collusion, told us that the DRT had sprayed gas into the dayroom of their pod during what the inmates described as a practice session, while inmates were locked in their cells. This appears to be confirmed by a DRT incident report stating that the team used two cans spray in one pod. The DRT report alleged that a number of inmates in the pod had refused a verbal order to lock down. Inmates report that pod officers routinely use pepper spray in the course of verbal altercations.

In summary, the vague policies on use of force, the admissions of senior management, the review of incident reports and complaints, and the lack of oversight on the use of chemical agents lead us to conclude that the SCJ violates the constitutional rights of inmates by permitting the excessive use of force by staff. We conclude that there is a pattern or practice of excessive use of force against inmates at the SCJ and that management has failed, in particular, to correct the clear misuse of chemical agents by staff.

## **B. Mental Health and Medical Care Is Constitutionally Deficient.**

Shelby County contracts with Correctional Medical Services ("CMS") to provide mental health and medical care at the Jail and Jail East; critical care is provided by the University of Tennessee's Regional Medical Center. Medical and mental health services at the Jail and Jail East are critically deficient in several respects:

- initial evaluations are frequently deficient;
- access to both medical and mental health care through sick call is deficient because there are too few qualified professionals on staff to evaluate sick call requests and perform examinations in a timely manner;
- mental health diagnostic assessments are inadequate;
- prescription medication is not managed and administered reliably;
- chronic illnesses, including severe mental illnesses, are not managed effectively; and
- there is no screening for emergent mental health concerns in the general housing areas.

### **1. Deficient Access to Care**

#### **a. Intake Evaluations**

There is a critical shortage of qualified health professionals to serve an inmate population the size of the SCJ. In the year 2000, the Jail booked more than 64,000 inmates, averaging more than 5,300 bookings per month. The staff is hard-pressed to provide complete intake evaluations for such large numbers of inmates, and we noted numerous lapses in medical intake evaluations, particularly in screening for transmissible infectious diseases, taking and recording vital signs, and assuring timely continuation of prescription medications.

The following examples illustrate lapses in providing minimally competent medical intake evaluations. Problems with screening for infectious diseases were evident from the files of two inmates with recorded histories of tuberculosis, neither of whom was screened for current signs of the disease, even though our review occurred almost two months after their admissions. We discovered many cases where previously-prescribed medication was not continued upon intake, including an inmate who required seizure medication that was not ordered by a physician until four days after intake. Another inmate, a renal dialysis patient with hypertension and diabetes, received no treatment for either



condition for three days, and no blood pressure or blood sugar monitoring. An inmate admitted on medications for HIV received no physician evaluation and no medication evaluation during five months of incarceration. These are all potentially life-threatening delays.

There is inadequate evaluation and treatment of substance abuse and the symptoms of withdrawal. Inmates are not asked directly about drug and alcohol use. A recently-implemented protocol to screen inmates for drug or alcohol withdrawal relies heavily upon reviewing vital signs for indications of withdrawal, yet vital signs are routinely not taken and recorded during intake evaluations. One inmate who admitted to drug and alcohol abuse at intake received no physical evaluation or physician appointment during two months of incarceration.

Failure to continue medication promptly and to monitor vital signs at intake also contributes to deficiencies in mental health care. One inmate was admitted and discharged within two days without receiving previously-prescribed medication for bipolar disorder, although the medications were identified on his intake forms. He was re-arrested a day later but his psychiatric medication again was delayed for two days. This inmate committed suicide five days after his first admission (on the third day of his second admission), having not received prescribed mood-stabilizing medication for four of his last five days. It took two weeks for another inmate to receive the psychotropic medication he had been taking at the time of his arrest.

Lack of privacy in the intake area may inhibit candid responses to the intake screening questions, increasing the chances of missing an inmate with a significant mental health or suicide concern.

Although national statistics suggest a higher prevalence of mental health concerns among female than male inmates, there is a disturbing shortage of qualified mental health professionals at Jail East. The mental health staffing for inmates at Jail East consists of a technician working two hours per day, five days per week, and a psychiatrist working three hours per week. There is no substitute staffing during staff vacations or other absences. This is insufficient to accomplish timely screening for mental health concerns, or to provide essential treatment for those with identified needs, including those on psychiatric medication. For example, the psychiatrist canceled his one-morning per week visit to Jail East during our December tour. In his absence, no new or altered prescriptions could be ordered, and inmates who required psychiatric services faced a longer wait for those services. During our October tour, a nurse at Jail East told us that an inmate who appeared to be depressed and in need of mental health treatment had not been seen by mental health staff in the four days since her admission, despite this nurse's phone calls to the main Jail's mental health staff requesting an evaluation.

#### **b. Sick Call**

Access to non-emergency care is deficient, both because it is not timely, and because it is not provided by appropriately-qualified professionals. For non-emergency care, both medical and mental health visits are initiated by submission of a sick call slip, which inmates complained were often unavailable. One inmate told us that he used his library time to make copies of the slips because they were so hard to come by. SCJ policy states that sick call will be scheduled at least once per week for all inmates. The Jail's policy does not meet accepted national standards for large jails, which require requests for medical care to be reviewed by a qualified medical professional within 24 hours, and the patient to be seen by a qualified professional within the following 24 hours (72 hours if a weekend). The Jail's actual practice, described below, deviates even further from accepted national standards. In practice, it appears that sick call requests are triaged by a nurse,<sup>(7)</sup> and inmates are scheduled for the next weekly sick call on their floor - which could be as much as a full week later. One inmate, known to have AIDS, submitted a sick call request complaining of sores and a burning sensation, but was not called for an evaluation until ten days later. If a case is deemed by correctional staff to be sufficiently urgent, an inmate instead might be escorted to the second floor medical area for an evaluation prior to the next weekly sick call on his floor. The NIC report found that the Jail's ad hoc sick call practice placed correctional staff in the untenable position of being gatekeepers for medical services. NIC Technical Assistance Report at 15.

In addition to its limited availability, sick call is constitutionally deficient because sick call examinations are conducted by staff not qualified to do so.<sup>(8)</sup> This has compromised the health of inmates and subjected them to unnecessary pain. For example, an inmate who had recently undergone surgery to repair a hernia in his groin area requested sick call in June and again in July, complaining of pain in his groin, particularly when urinating. He was examined by a registered

nurse ("RN") and then a licensed practical nurse ("LPN"), but did not see a doctor and did not receive antibiotics, despite indications of an infection. In August, two months after his first complaint to the Jail, the inmate's genitourinary infection was diagnosed during a surgery followup visit at a hospital clinic. Another inmate twice requested attention for a suspected broken finger and was twice seen by an LPN, but did not see a physician for a week. These delays unnecessarily prolonged the inmates' pain and/or illness, and could have resulted in significant medical complications.

### **c. Mental Health Diagnosis and Treatment**

All mental health staff interviewed acknowledged significant difficulty in responding to the mental health needs of inmates.<sup>(9)</sup> The staff at the main Jail, but not Jail East, performs timely, cursory evaluations of all inmates with identified mental health concerns, primarily those identified at intake. Outreach is necessary to identify other inmates with mental health concerns before those concerns escalate to crises that require intensive intervention and threaten the health and safety of inmates and staff alike. However, no designated mental health staff persons review sick call requests to identify inmates with emerging mental health concerns. Moreover, despite CMS policy requiring mental health workers to make rounds to housing units, and national standards with the same recommendation, the only housing areas in which mental health workers conduct rounds to identify emergent needs are the pre-classification cells on the Jail's lower level. Outreach by mental health staff is particularly important because correctional staff at the SCJ demonstrate little training in or understanding of the needs of inmates with mental illness or suicidal tendencies.

Diagnostic evaluations of those inmates identified as needing mental health treatment are deficient, with only three of seventeen charts reviewed containing any diagnostic assessment at all. A diagnosis is critical to assessing the adequacy of the inmate's medication and any treatment. The SCJ employs no psychologists to assist the psychiatrists with diagnoses.

Because there is almost no outreach to identify inmates in need of mental health services who have not self-identified, large numbers of inmates at the SCJ receive little or no mental health care. There is no education or programming on important mental health topics, such as drug and alcohol dependence or medication compliance. Finally, as described in the context of medication administration, *infra*, the SCJ fails to administer prescription medication reliably. Because the dominant mental health intervention at the SCJ is medication, missed doses (both not administered and not taken) are unacceptably high and likely to have serious consequences for behavioral disorders within the Jail.

### **d. Care of Chronic Medical Conditions is Deficient.**

Although the SCJ has a rudimentary computerized tracking system for chronic care patients, we found many significant lapses in the care of these patients. For example, one inmate who was receiving HIV medications prior to incarceration received no medication or evaluation during five months of incarceration at the SCJ. Another inmate had numerous serious medical conditions identified at intake, including diabetes,<sup>(10)</sup> high blood pressure, and mental illness. He received no physician evaluation for diabetes until five months after intake, and no physician evaluation during a two month period when he was experiencing dizziness and other symptoms of hypoglycemia. He was found dead in his cell one year after his initial intake, with the probable cause of death noted to be heart disease and diabetes. It is likely that poor control of these chronic and life-threatening conditions contributed to this death. The lack of sufficient qualified staff is a likely cause of the SCJ's failure to ensure that chronic care patients receive necessary care for their life-threatening conditions.

### **e. There is no Infirmary Care for Inmates Requiring Close Observation By Medical or Mental Health Staff.**

There is no infirmary for observation and treatment of inmates with serious medical or mental health conditions requiring ongoing medical treatment, but not hospitalization. This is a significant deficiency. In addition to the examples of chronically ill inmates noted above, a 24-year-old inmate died at the Jail in December of pneumonia, a treatable illness. Although the inmate had visited the emergency room the day before his death, he was released and returned to general housing, where his condition deteriorated rapidly. In the day before his death, he was not observed by medical staff except for two brief encounters with a nurse (there is no indication if the nurse was an LPN or RN). Another inmate exhibited uncontrolled hypertension for nine months, during which time he suffered two strokes and possible heart injury. He was transferred to the hospital four times, and each time he was returned to general population housing. He should have been housed in an infirmary with the ability to monitor his blood pressure and medications to bring the hypertension under control, to lessen the chance of suffering the additional stroke and heart damage. A third inmate,

who died of heart failure in October 2000, went back and forth between general population housing and the hospital. On his last release from the hospital, he was placed in a cell with no running water because the hospital suggested that he would exacerbate his heart condition by drinking too much water. A far more appropriate placement would have been an infirmary, where fluid intake and output could have been monitored. In each of these instances, the inmates' care was compromised, and their pain or illness exacerbated, by the unavailability of close medical monitoring in an infirmary.

## **2. Medication Administration is Deficient.**

Both medical and mental health care is compromised by significant lapses in administration of medications. Missed doses included medications essential for conditions such as serious mental illness, diabetes, asthma, and HIV. Of 17 charts reviewed, at least 10% of the prescribed doses of psychotropics on the second floor medical housing unit and 20% of the doses on the general housing units were never delivered. On occasion, no medications were distributed to an entire pod and quite possibly the entire floor. In many instances, contrary to the stated policy and procedure, there is no documentation in the medical charts explaining the missed doses.

Staff also fails to ensure that inmates take their prescribed medication. Our review of shake-down logs confirm that numerous pills are confiscated from hordes in inmates' cells. During our December tour, we observed inmates place medication in their mouth and then turn their backs to the staff to walk back to their cells, enabling them to spit out and save the medication unobserved by staff.

## **3. Suicide Precautions Are Inadequate.**

The cells in the area of the Jail reserved for suicidal inmates are unsanitary, foul-smelling, contain bunks and plumbing fixtures from which an inmate could hang himself, and cannot all be seen and heard from the control room where staff are stationed. Inmates in these cells are required to strip completely, and are not given paper gowns or blankets, despite complaints that the cells are chilly. The condition of these cells is well-known among inmates, who told us that they are loathe to say anything to staff that could result in being placed in these cells.

In addition to the inmates' expressed reluctance to self-identify suicidal thoughts, our psychiatrist noted that correctional staff throughout the SCJ appeared untrained in identifying inmates with mental illness or those with suicidal or self-injurious tendencies. Mental health professionals do not visit general housing units, despite a policy requiring them to do so. The emergent mental health problems missed due to inadequate screening and outreach include suicidal tendencies.

## **4. Medical Safety and Related Security Concerns**

Mental health staff do not communicate with security staff. This failure has significant consequences, particularly in crisis intervention and the use of restraints. We reviewed a video tape of a use of force incident involving the deaf inmate discussed under security concerns, supra. Mental health personnel had identified the inmate as having schizoaffective disorder. Either this information was unavailable to security staff, or, staff acted upon misinformation about mental illness in their approach to this inmate. Appropriate training by mental health professionals and consultation with the mental health providers at the Jail at the time of this incident could have prevented the excessive use of force in this case.

In addition, in our review of records provided to us by the SCJ we discovered many incidents where staff used force, including pepper spray, against inmates displaying self-injurious behavior characteristic of mental illness, without consulting with mental health staff about appropriate interventions.

At the time of our visits, there were numerous lapses in maintenance and inspection of essential medical equipment. For example, there was no documentation of weekly sterility checks for the autoclave, no inspection of the temperature of the medicine refrigerator in nearly a month, and no inspection of emergency medical kits (which lacked essential equipment, as we observed when a nurse at Jail East opened one to attend to an inmate in crisis during our October tour).

Finally, SCJ's policy for the control of blood borne pathogens was not communicated to line staff through training or policy. Lapses in basic medical sanitation and safety practices pose a significant threat to the well-being of all persons

confined or employed at SCJ.

### **C. The SCJ Does Not Provide Adequate Food, Clothing and Shelter.**

Our inspection revealed deficient food service, basic sanitation and safety practices at the SCJ. Unsafe food handling and inadequate sanitization of kitchen utensils and cooking equipment present an unacceptably high risk of food contamination and food-borne disease. Similar risks of disease result from SCJ's inadequate level of overall sanitation and pest control. Our consultant concluded that these practices stem from a failure to train and supervise staff in rudimentary concepts of sanitation, food handling, and pest control. In addition, more maintenance and food service workers and supervisors are needed to prepare and serve food properly and to maintain food service equipment in a facility this large.

#### **1. Unsafe Food Handling and Food Service**

The freezers and food storage areas at the main Jail are filthy. There is evidence of roach infestation, gnats and rodents in the kitchen, dishwashing and food storage areas. During our tour in October, we observed servers without hair coverings, gloves or serving utensils. Personal articles of clothing were stored on a shelf in the kitchen next to clean pots and pans. In the laundry area, food service trays are stored on a shelf next to mop heads. There is a practice of serving food to inmates working in the laundry area, and washing serving trays and utensils in the mop sink in this area. There is no attempt to sanitize these items. Each of these practices violates basic tenets of sanitation and safe food handling, and should be stopped immediately.

Pots and pans and serving pieces are neither fully cleaned nor sanitized because the dishwashing equipment does not reach sanitizing temperatures. Of four units tested by our consultant, none functioned to sanitize cooking and eating utensils. The dishwashing area had a putrid smell, and food residue was visible on pots and pans after they had been "cleaned." Inmates complained of being given a single utensil, often of disposable plastic, and having to reuse this utensil and clean it in their cells, although sanitizing agents are not available in the cells for this purpose.

Foods on the serving line and in holding ovens and refrigerators and freezers on the day of our visit deviated significantly from temperatures recommended for safe food handling. The NIC report also found food served at improper temperatures. Food held at improper temperatures invites contamination that can sicken inmates through food poisoning.

#### **2. Pest Control and Sanitation is Inadequate.**

Roaches, rodents and spiders are present in inmate housing and the medical area at both the main Jail and Jail East. Both inmates and staff showed evidence of bites from brown recluse spiders.

#### **3. Lighting, Ventilation, Sanitation and Laundry Service in Housing Units Is Inadequate.**

Proper sanitation is hampered by the lack of hot water in some inmate cells and shower areas. Our consultant noted numerous examples of broken plumbing fixtures and inmate cells without access to hot water or to water at all. Both staff and inmates told us that such conditions are longstanding. The lack of a preventative maintenance plan or a system for scheduling and prioritizing work orders for repairs contributes to a backlog of essential repairs.

The current policy regarding access to laundry must be reviewed and updated. The laundry service is neither frequent enough nor reliable. We heard many reports from inmates of clothing and bedding not being returned from the laundry, or coming back stained and ripped. As a result, many inmates wash clothing and bedding in sinks and toilets. This contributes to poor sanitation and threatens security, because items left hanging to dry impede staff's ability to observe and supervise inmates.

Finally, our consultant identified numerous areas where there was virtually no ventilation and where the lighting was not adequate to maintain hygiene, allow individuals to move around safely and prevent eyestrain.

#### **4. Improper Storage and Handling of Hazardous Materials**

We observed numerous examples of unacceptable storage of hazardous materials during our tours. Unless properly labeled, stored, and disposed, these materials can cause a variety of serious health problems. Bio-hazardous waste containers in the medical area used gray liners without bio-hazard markings, making inadvertent exposure or improper disposal likely. Caustic chemicals in the laundry and storage areas were labeled only with a marker, which can be rubbed off and contains no information about the contents, effects of exposure or appropriate first aid, or other important labeling information. In storage areas, some of these containers were "sealed" by placing latex gloves over their openings, which is inadequate. There must be an accessible eye wash fountain and training in the use of personal protective equipment for inmates who work with these caustic chemicals, yet neither appeared to be provided.

#### **5. Fire Safety and Prevention Is Deficient.**

In correctional facilities, the safety of inmates in the event of an emergency depends upon the rapid unlocking of doors. In October, two officers stationed near an exit door at Jail East had no idea how that door could be opened in the event of an emergency. During our December tour, deputy jailers on the second floor administrative segregation/deadlock unit (P and Q pods) were unable to comply with our request to manually unlock the sally port doors because the manual override was broken.<sup>(11)</sup> This is indicative of a lack of a regular preventive maintenance program and is also a serious safety lapse in the event of a fire emergency. In the event of a power outage or smoke buildup, visual examination of keys is generally impossible, and keys should be notched for easy identification under such conditions. Yet, as noted above and in the security section, staff at both locations were unable to identify keys even after several minutes of visual examination.

Improperly controlled combustibles and highly flammable materials throughout the institution and inmate living areas dramatically increase the risk of harm to inmates. Because inmates are locked in their cells, the amount of combustible material should be limited. Yet, in many of the cells, inmates used paper bags as trash receptacles. We saw numerous examples of ripped fire-retardant mattress covers and, as mentioned earlier, improperly stored and labeled flammable liquids and other chemicals, all of which presented serious fire hazards. Sprinkler heads in the food storage units in the kitchen were rendered ineffective because cartons were stacked too close to the ceiling and sprinkler heads.

We observed serious deficiencies in fire or emergency safety training and planning. Available documentation suggests that fire drills happen infrequently, and do not occur on all shifts. Correctional officers we spoke to were unable to explain their roles in the event of an emergency. Our consultant also noted numerous examples of electrical problems that could be fire hazards throughout the Jail and Jail East.

#### **D. Insufficient Access to the Courts**

As presently constituted, the law library offers little effective assistance to most inmates. Legal materials, including the single copy of the Tennessee Code Annotated, are not up to date. A not-yet-certified paralegal is available for limited hours during weekday daytime shifts. Inmates reported that the one-hour time slots they may request to visit the legal room are often shortened because pod officers may not release them or arrange an escort for them in a timely way. One inmate complained that his legal mail had been opened, and that staff delayed mailing court papers. Our review of inmates' access to legal services at the SCJ was limited, and we did not identify any inmate whose ability to pursue a claim was impaired because of the deficiencies in services. Nonetheless, we are concerned that such an injury is likely to occur.

#### **E. Insufficient Access to Exercise**

The Sixth Circuit has not defined a constitutionally required amount of exercise, however, it has recognized that one hour per day, five days per week every thirty days is unconstitutional, even as a punitive sanction. *Rodgers v. Jabe*, 43 F. 3d 1082, 1088 (6<sup>th</sup> Cir. 1995). Inmates at SCJ receive far less opportunity for exercise, averaging less than two trips to recreation per inmate per month in the year 2000 (the Jail's records do not specify whether the recreation period was indoors or outdoors). In the winter months of 2000, it appears from the Jail Monthly Summary Reports that inmates each received slightly more than one trip to recreation per month.<sup>(12)</sup>

Lack of exercise opportunities, which may create a constitutional violation standing alone, may also exacerbate other constitutional violations. In *Gilland v. Owens*, 718 F. Supp. 665, 689 (W.D. Tenn. 1989), involving the SCJ, the district court found that a monthly average of 1.35 trips to recreation per inmate was a "near-total deprivation" of opportunities

for exercise that violated the constitutional rights of inmates. 718 F. Supp. at 688. The court also held that lack of exercise opportunities was a factor contributing to unconstitutional violence at the SCJ. Id. <sup>(13)</sup> In many respects, conditions at the SCJ today seem little improved from those found unconstitutional in 1989.

#### **IV. Recommended Remedial Measures**

To rectify the identified deficiencies and to ensure that the Shelby County Jail complies with federal constitutional requirements, the following minimum remedial measures must be implemented.

##### **A. Security, Supervision and Protection From Harm**

1. To reduce inmate-on-inmate violence, the County must increase direct sight and sound supervision of inmates in their housing units. If the current configuration of the Jail, in which staff have limited direct sight and sound supervision of inmates, is maintained, then the County must significantly reduce double ceiling, or hire significantly more staff to supervise housing units. The County must increase the frequency of shakedowns and provide timely and sufficient escort of inmates to other areas of the Jail and for essential programming and services.
2. The County must improve the quality of staff through hiring and enhanced training. Well-trained and knowledgeable supervisory personnel must be available to supervise line staff.
3. The County must take steps to implement basic security procedures, including but not limited to key control, tool control, and the control of dangerous contraband (such as razor blades fused to toothbrush handles). Staff should be aware of these procedures, including the use of emergency keys. The County also must ensure that security inspections occur on a regular basis and must provide ongoing maintenance to security devices such as door locks and manual unlocking mechanisms.
4. The County must revise its inmate classification system to take into account gang-related information. The County must review inmates periodically for possible reclassification. Any new or revised classification system must be validated in advance of its final implementation.
5. The County must implement an effective and timely system of inmate discipline and provide an adequate number of single-occupancy cells for the immediate segregation of all inmates sentenced to the disciplinary segregation unit. Closely related, the County must implement procedures for assigning otherwise unmanageable inmates to administrative segregation and must provide an adequate number of single-occupancy cells for these inmates.
6. The County must take more effective steps to separate assaultive from non-assaultive prisoners during the intake process.
7. The County must revise its policies on the use of force, including the use of chemical agents and the use of mechanical restraints, to provide clearer guidance to staff and to ensure that physical force is limited to clearly identified situations, such as threatened escape, harm to persons, or damage to valuable property. Security staff should receive special training on all the new policies.
8. The County must ensure appropriate use of the restraint chair, by restricting its use to tightly prescribed circumstances, and requiring pre-authorization and supervision by mental health staff for any use of the restraint chair involving mentally ill inmates. The chair must not be used for punishment and no hoods or disposable spit caps should be used under any circumstances.
9. Staff must report all uses of force (including chemical agents and mechanical devices). Trained investigators should investigate all such reports. These investigators must also thoroughly investigate all allegations of failure to report a use of force. The County must implement an effective system for the prompt discipline of staff who violate policies in this area.
10. The members of the Detention Response Team must be dedicated to that purpose and must not fill other posts. In addition to responding to emergencies, including necessary cell extractions, the DRT must provide additional back-up security for officers in housing units and enhance pod officers' capability to conduct housing unit shakedowns and security inspections.

11. The County must adopt an aggressive program to identify and control inmates who are members of organized gangs. While such membership itself is not unlawful, staff at the jail must eliminate all forms of control currently exercised by gangs and their leaders and must be vigilant in detecting and punishing gang-related misconduct of all forms. Illicit gang-related behavior should be an important factor in increasing an inmate's classification status.

#### **B. Mental Health and Medical Care**

1. The County must comply with SCJ's stated policies for providing timely medical and mental health intake screening of all inmates. In particular, increase timeliness of mental health evaluations at Jail East.
2. The County must ensure SCJ's continuation of prescription medication promptly upon admission.
3. The County must ensure SCJ's compliance with stated policies for screening of infectious diseases, particularly tuberculosis.
4. The County must provide access to sick call to all inmates five days per week. Increase professional staff so that all sick call examinations are conducted by appropriately licensed professionals.
5. The County must ensure compliance with SCJ's policy that mental health professionals make regular rounds to all housing units.
6. The County must provide accurate diagnoses, or differential diagnoses, for all inmates identified as requiring mental health services at SCJ.
7. The County must improve monitoring and treatment of chronically ill inmates, including those with serious mental illness, through regularly scheduled visits to Jail medical (or mental health) professionals.
8. The County must establish an on-site infirmary at the SCJ to provide more intensive medical and mental health monitoring for inmates who are unstable or otherwise medically inappropriate for general population housing.
9. The County must comply with stated policy for medication administration, including documentation of missed doses. Ensure that oral medications dispensed to inmates are ingested.
10. The County must provide disposable paper gowns to inmates in suicide precaution cells.
11. The County must remove suicide hazards from suicide precaution cells.
12. The County must provide proper sanitation and lighting for cells in suicide precaution areas.
13. The County must provide direct line of sight supervision to all inmates on suicide precautions. Increase the number of suicide precaution beds to include sufficient beds for constant observation, and for "close" observation (meaning frequent, but not constant observation).
14. The County must train all SCJ staff in policies for the control of blood borne pathogens. Provide adequate personal protective equipment to all staff.

#### **C. Environmental Health and Safety**

1. The County must ensure that officers who supervise the inmates serving food on the units are trained in food service operations, or, properly trained civilian staff should perform these tasks. Proper equipment for serving must be provided and used. All food service staff, including civilians, need food service training.
2. The County must assign more staff and supervisors to oversee food service and maintenance to ensure proper sanitation and safe food handling practices.
3. The County must repair or replace malfunctioning equipment, including refrigeration units, cooking units and dishwashing and tray washing units, and provide properly-sized units designed to serve a food service operation the size of SCJ.

4. The County must ensure that a dietician or nutritionist support the special medical diet operation. A dietician must also evaluate standard menus on at least an annual basis. Operations must be able to support the menu provided by the dietician.
5. The County must improve sanitation in the food service operations, housing units and medical intake and housing units. Adequate cleaning supplies and equipment should be provided on a more routine basis to help improve cell sanitation, in particular.
6. The County must improve pest control. Supervisors must receive training to ensure that this program is implemented effectively.
7. The County must provide adequate lighting in cells and showers.
8. The County must repair water leaks in cells and showers and clogged drains.
9. The County must conduct regular cell inspections to enforce Jail rules, including those prohibiting the blocking of air vents and storing large amounts of food, which contributes to the pest control problem. As noted previously, regular inspections will also help control the accumulation of life-threatening contraband (such as razors).
10. The County must implement appropriate housekeeping policies and procedures.
11. The County must ensure that fire and emergency drills are performed quarterly, in all areas including the administrative areas, on all shifts, so that all staff may participate in the drills. Inmate movement should be included in drills, except in those situations where security may be compromised. Adequate emergency operations plans must be developed for all potential natural and man-made disasters that may affect this facility. In-service training in fire safety, including fire drills, must be conducted and documented.
12. The County must develop and implement a written preventive maintenance program and priority-based work order system.
13. The County must provide adequate laundry service.
14. The County must ensure that quality control checks of medical equipment and supplies occur regularly, and, for some equipment, on a daily, per shift basis.
15. The County must improve the storage, labeling, and use of hazardous chemicals so that proper chemical name labels are put on all containers of chemicals and containers are stored with tight fitting caps or tops. An eye wash fountain must be provided where inmates handle hazardous chemicals, for example, in the laundry and storerooms.
16. The County must fix promptly the electrical system problems noted at Jail East, as delineated in an August 29, 2000 letter from EOC to Mr. Ward, Shelby County Maintenance Manager, especially those with a potential to affect life safety systems and those with a possibility of causing a fire.
17. The County must implement a facility-wide procedure, such as color coding and notching, to quickly identify appropriate emergency keys by touch and sight, and must train staff in use of emergency keys and manual override system for the jail's cell and sally-port doors.
18. The County must provide every inmate with a fire resistant mattress and replace paper wastebaskets with fire safe containers.

#### **D. Access to the Courts**

1. The County must ensure access to legal assistance by providing inmates with the tools they need to attack their sentences, directly or collaterally, and to challenge the conditions of their confinement.

#### **E. Access to Recreation**

1. The County must ensure that inmates have an opportunity to exercise a minimum of one hour per day, five days a week, including outdoor exercise as often as weather permits.



Pursuant to CRIPA, the Attorney General may institute a lawsuit to correct deficiencies of the kind identified in this letter forty-nine days after appropriate officials have been notified of them. 42 U.S.C. Section 1997b(a)(1). We would prefer, however, to resolve this matter by working cooperatively with you, and we have every confidence that we will be able to do so.

In light of the County's cooperation in this matter, under separate cover, we will send you our experts' reports. Although the experts' reports and work do not necessarily reflect the official conclusions of the Department of Justice, their observations, analyses and recommendations provide further elaboration of the issues discussed above, and offer practical assistance in addressing them.

We look forward to meeting with County officials to develop solutions to the noted deficiencies.

Sincerely,

/s/ William R. Yeomans

William R. Yeomans  
Acting Assistant Attorney General  
Civil Rights Division

/s/ Marron Hopkins

cc: The Honorable Marron Hopkins  
Director  
Shelby County Jail

/s/ A.C. Gillless

Mr. A.C. Gillless  
Sheriff  
Shelby County Jail

/s/ Donnie E. Wilson

Donnie E. Wilson, Esquire  
Shelby County Attorney

/s/ Don D. Strother

Don D. Strother  
Legal Advisor  
Shelby County Sheriff's Office

/s/ Lawrence J. Laurenzi

Lawrence J. Laurenzi, Esquire  
United States Attorney  
Western District of Tennessee

1. The Sheriff's Office also is responsible for a secure ward at the University of Tennessee's Regional Medical Center, known as the MED.

2. SCJ inappropriately attempts to counter staffing shortages by assigning members of the Detention Response Team ("DRT"), the emergency response unit, to posts as pod officers in the housing units. We were advised that DRT members must often wait to be relieved from their post before they can respond to an emergency. Such a practice creates an unacceptably high security risk and compromises the safety of inmates and staff by delaying the DRT's response to emergency situations.

3. Each pod typically contains 46 inmates in 23 double-bunked cells.

4. The NIC report concurs in the conclusion that inmate supervision is poor, finding that any benefit of the court-ordered staffing was lost by placing the staff where they cannot and do not see the inmates, supervise the inmates on a moment-to-moment basis or talk with inmates frequently and informally. NIC Technical Assistance Report at 9.
5. Conversely, inmates are reportedly able to jam cell doors and open them manually without staff's knowledge.
6. Use of Chemical Agent reports frequently are not filled out by staff. For example, in August 2000, the SCJ's Monthly Summary Report notes 38 uses of chemicals, however, the SCJ produced only nine Use of Chemical Agent reports for this period.
7. It is a nationally accepted practice that if triage is utilized, it must be performed by a person with no less than a registered nurse's ("RN") training. At the SCJ, complaints are routinely triaged by licensed practical nurses ("LPN"), who have substantially less training than RNs. For example, an LPN evaluated an inmate's sick call slip complaining of an injured and swollen hand, and an LPN examined the injury six days later. The inmate was not seen by a doctor and sent to a hospital emergency room for his broken finger until seven days after his initial complaint.
8. The SCJ employs no licensed nurse practitioners (RNs with an advanced degree) or physician assistants, professionals who are licensed and qualified to examine, diagnose and treat patients and order prescription medication - tasks an RN or LPN may not perform. The only exception to this accepted practice is that RNs may evaluate and treat minor complaints pursuant to a doctor's standing orders. Thus, the only professionals licensed and qualified to examine more than 2,700 inmates at the SCJ are the Jail's medical doctors, whose hours of employment total less than two full-time-equivalent positions.
9. The SCJ provides only 23 hours per week of psychiatrist staffing, augmented by additional mental health workers equal to 5.2 full time positions. The SCJ employs "counselors" on each floor, however, they have no mental health training and their role appears to be limited to accessing hygiene items, phones, and mail.
10. It appears that no nutritionist or medical staff person provides guidance to food service in the preparation of medically-required diets for diabetics or inmates with high blood-pressure. In response to our request to review a week's menus at the SCJ, we received only regular diets. There was also no documentation of an annual menu evaluation by a qualified nutritionist or dietician. Thus it is unclear whether medically prescribed meals served at the SCJ meet basic nutritional or medical standards.
11. Similarly, deputy jailers on that same floor were unable to open cell doors with a manual override. This indicates a serious lapse in training and is a significant safety concern in the event of a fire or other emergency.
12. For example, in February 2000, when the average daily population was 2,972 inmates, the Jail reported only 3,991 trips to recreation, an average of 1.3 trips per inmate.
13. The court in Gilland cited many factors causing excessive violence in the SCJ that remain unchanged today: "insufficient security staff, the pod man/phone man system [superceded today by gang control, instead of pod man control of the phones], lack of exercise opportunity, frustration over scarce resources and space, improper functioning of the disciplinary system, and an inadequate classification system." 718 F. Supp. at 688. The district court's supervision of the SCJ pursuant to its orders in Gilland terminated in 1993.


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*Updated August 6, 2015*

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THE UNITED STATES  
DEPARTMENT OF JUSTICE

## V. SHELBY COUNTY JAIL SETTLEMENT AGREEMENT

### I. INTRODUCTION

On August 24, 2000, the United States notified Shelby County officials of its intent to investigate conditions of confinement at the Shelby County Jail, pursuant to the Civil Rights of Institutionalized Persons Act, 42 U.S.C. § 1997. On October 4-6 and December 11-13, 2000, the United States toured the Shelby County Jail with consultants in the fields of penology, correctional health care, environmental health and safety, and mental health care.

Throughout the course of the investigation and inspection of the facilities, the United States received complete cooperation and access to all facilities and documents from Shelby County Sheriff A.C. Gilless and the staff of the Office of the Sheriff and the Sheriff's Legal Advisor, from Chief Jailer Marron Hopkins and his staff, and from County Attorney Donnie E. Wilson and Chief Administrative Officer Jimmy M. Kelly, and staff throughout the Shelby County government.

On June 27, 2001, the United States issued a findings letter ("Findings Letter"), pursuant to 42 U.S.C. § 1997(a) (1), which concluded that certain conditions in the Shelby County Jail violated the constitutional rights of detainees and recommended remedial measures. Attorneys for the United States met with Shelby County officials in July 2001, to begin negotiations on an agreement to address and remedy the concerns raised in the Findings Letter. County officials subsequently provided a substantive written response to the United States that proposed corrective measures and proposed means of monitoring and documenting those changes, many of which are incorporated in this proposed agreement.

The United States acknowledges that Shelby County has already begun drafting many of the new and revised policies and procedures required by the Settlement Agreement ("Agreement"), some of which may be completed prior to execution of this Agreement.

The parties agree that this Agreement does not constitute an admission by the defendants of the truth of findings contained in the Findings Letter and does not constitute an admission of liability by the defendants. The parties enter into this Agreement solely for the purpose of avoiding the risks and burdens of litigation.

### II. DEFINITIONS

1. "County" shall refer to defendants Shelby County, Tennessee, the Sheriff of Shelby County in his official capacity, the Mayor of Shelby County in his official capacity, and their agents and successors in office.
2. "DOJ" shall refer to the United States Department of Justice.
3. "Inmates" or "detainees" shall refer to individuals sentenced to, incarcerated in, detained at, or otherwise confined at Shelby County Jail.
4. "Shelby County Jail" ("SCJ") shall mean the jail facility located at 201 Poplar Avenue in Memphis, Tennessee (the "Jail"), and the facility currently housing female detainees in East Memphis ("Jail East"), as well as any facility that is built to replace or supplement the SCJ. The terms of this Agreement shall apply to all SCJ facilities, unless specifically noted otherwise.
5. "Jail Compliance Unit" shall refer to SCJ's internal unit responsible for conducting, inter alia, security audits, including audits of tool and key control practices, and other inspections and random checks required under this Agreement, except where another entity or staff person is specified by this Agreement to conduct such inspections (e.g., monitoring of gang activity, health care services, food services and maintenance).

6. "Gang Intelligence Unit" shall refer to the staff members with responsibilities related to monitoring and controlling gang activity at SCJ.

7. "Qualified Medical Professional" shall mean an individual with a minimum of masters-level education and training in medicine or nursing, who is currently licensed by the State of Tennessee to deliver those health care services they have undertaken to provide.

8. "Qualified Medical Workers" and "Qualified Medical Staff" shall refer to individuals who have completed an educational program at an accredited school of nursing, and who have complied with licensing requirements in the State of Tennessee; or, individuals with substantially equivalent education and training, and two years of experience providing health care services.

9. "Qualified Mental Health Professional" shall refer to: a) an individual with a minimum of masters-level education and training in psychiatry, psychology, counseling, social work or psychiatric nursing, who is currently licensed by the State of Tennessee to deliver those mental health services they have undertaken to provide; except that a social worker with masters-level education, training and experience may practice consistent with Tennessee state guidelines without obtaining a license in social work; or, b) a registered nurse with a bachelor's degree in nursing with a minimum of two (2) years psychiatric experience, or a registered nurse with a minimum of five (5) years psychiatric experience.

10. "Qualified Mental Health Workers" and "Qualified Mental Health Staff" shall refer to individuals with a minimum of a bachelor's degree and two years of experience providing mental health services.

11. The term "special needs inmates" shall refer to those inmates who are suicidal, mentally ill, mentally retarded, intoxicated, seriously or chronically ill, physically disabled, or otherwise a danger to themselves.

12. "Security staff" shall mean all employees, irrespective of job title, whose regular duties include supervision of inmates at the SCJ.

13. The term "Semi-annual Report" shall mean reports SCJ will submit to the United States to demonstrate its compliance with this Agreement as specified in paragraph 84 (below).

14. The term "100 Day Report" shall mean a report submitted by Shelby County to the United States within 130 days of execution of this Agreement to demonstrate its compliance with those provisions for which a 100 day report is specified.

### **III. SUBSTANTIVE REMEDIAL MEASURES**

#### **A. SECURITY, SUPERVISION AND PROTECTION FROM HARM**

##### **Security Staffing and Training**

15. In order to improve sight and sound supervision of inmates in their housing units, the Jail shall convert the majority of inmate living spaces to a direct model of supervision in which the security staff's work station is located inside the inmate housing unit (either inside a pod or a dormitory). Within 100 days of this Agreement, the County shall provide DOJ with a written schedule for conversion of the living units that remain to be converted, and shall notify DOJ in writing of any subsequent delays in and/or modifications to that schedule. At a minimum, the plan shall provide for the completion of the conversion within one year from execution of this Agreement. Written notification to DOJ concerning any subsequent delays shall be provided within 30 days of any such delay or modification.

16. The County shall train all security staff in the principles of direct supervision:

a. The County shall ensure that all supervisors and managers complete a course in direct supervision for supervisors and managers no later than January 1, 2003.

b. The County shall report to DOJ on the changes made to its existing pre-service training that changes the focus of this training to direct supervision as the dominant form of supervision at the SCJ.

c. The County shall continue to provide comprehensive pre-service training to all security staff.

d. The County shall develop pre-service training for all non-security staff (including civilians) who have contact with inmates directly to provide services or supervision of inmates. This pre-service training, at a minimum, shall address:

- i) emergency and evacuation procedures;
- ii) preventing transmission of blood borne pathogens;
- iii) recognition and reporting of signs of mental illness and/or suicide risks; and
- iv) reporting requirements for use of force.

17. The County shall hire and train sufficient security staff to fill all shifts. In so doing the County shall adhere to the current overtime management policy (Chapter 106, Overtime Management). Additionally, the County shall not make any substantive changes to the Overtime Management Policy without first allowing DOJ to review the proposed substantive changes.

18. Within twelve (12) months of executing this Agreement, the County shall create and maintain individual training records for all staff, documenting the date and topic of all pre-service and in-service training completed, for all training completed on or after September, 2001.

### **Population Management**

19. The County shall continue to engage in proactive population management to prevent a recurrence of excessive crowding, including collection and analysis of data, and implementation of the population management plan, as described in the Population Management Report by consultant A. Gaston, dated March 14, 2002.

### **Security Policies and Procedures**

20. The County shall implement revised key control and tool control procedures. Within 100 days of signing this Agreement, the County shall provide to DOJ revised policies in these areas, and a schedule for implementation of the revised procedures. At a minimum, the County shall provide for implementation of revised policies within one year from execution of this Agreement. If implementation of the revised policies is not scheduled to begin within six (6) months of the date of the Agreement, then the County shall also provide, with its 100 day report, interim tool and key control plans.

a) At a minimum, the key control policy and interim measures shall:

- i) assure maximum safety and security of staff, inmates and civilians in the SCJ;
- ii) provide for emergency identification of keys by touch or other non-visual means;
- iii) include revised post orders that reflect ongoing training in use of keys and both manual and electronic locking mechanisms;
- iv) require routine testing and maintenance of keys and locks; and
- v) ongoing inventory, audit and evaluation of key control.

b) At a minimum, the tool control plan and interim measures shall require ongoing inventory, audit and evaluation of tool use at the SCJ.

21. The Jail Compliance Unit shall verify that SCJ conducts and documents random checks of the security staff's familiarity with emergency tool and key procedures on a monthly basis.

22. The County shall provide security audit training for the Jail Compliance Unit and designated supervisory staff. Sufficient staff will be trained in time for the County to initiate an internal security audit within nine months of this Agreement. An internal security audit will be conducted every six months thereafter for the duration of this Agreement.

23. The County shall continue to utilize members of the specially trained Detention Response Team ("DRT") to conduct frequent and random shake-down searches of inmate housing areas, on both day and evening shifts. The County shall add to the shakedown log a section to record a summary of contraband confiscated.

24. The County shall provide timely escort of inmates, as required, to attend necessary programming.

**Classification and Inmate Discipline**

25. The County shall revise its inmate classification system. The revised system shall, at a minimum, incorporate the following changes:

- a) Any revised classification system shall meet professional standards prior to its final implementation;
- b) Inmates shall be reviewed periodically for possible re-classification (upward or downward) based on institutional behavior; and
- c) The County shall implement a system of warning flags that alert intake workers of specific indicators in the records of an inmate's past incarceration at the SCJ, which, if present, require immediate referral to medical staff before classification is completed or the inmate assigned to housing. The indicators shall include, at a minimum:
  - i) Diagnosis or treatment for mental illness at any time during a past incarceration;
  - ii) Diagnosis or treatment for serious chronic illness, including but not limited to diabetes, hypertension, heart disease, seizure disorders, tuberculosis or HIV infection;
  - iii) Placement on heightened observation for suicide, risk at any time during a past incarceration at the SCJ; and
  - iv) Any medical contraindications for the use of chemical sprays.

26. The County shall include in its 100 day report a schedule for implementing a revised classification system, and any anticipated changes to the revised system. The County shall also provide an interim plan for implementing periodic re-classification reviews and a system of warning flags based on past history, pending implementation of the new classification system. At a minimum, the County shall provide for the implementation of the new classification system within one year from execution of this Agreement.

27. The County shall implement procedures for assigning vulnerable, assaultive or special management inmates to administrative segregation and shall provide a sufficient number of single-occupancy cells to enable prompt segregation of these inmates.

28. The County shall implement an effective and timely system of inmate discipline and provide a sufficient number of single-occupancy cells for the prompt segregation of all inmates sentenced to the disciplinary segregation unit.

**Use of Force Policies**

29. The County shall revise its policies on the use of force, including the use of chemical agents and the use of restraints, to provide operational guidance to staff. The revised policy will be provided to DOJ for approval prior to implementation. At a minimum, the revised policies shall ensure that:

- a) use of physical force is limited to those situations clearly identified by the policy;
- b) SCJ shall conduct periodic inventory of chemical agents, and shall appropriately respond to indications of mis-use or excessive use of chemical agents;
- c) mental health professionals are consulted before any planned use of force or non-routine use of restraints on any inmate with a diagnosis of mental illness;
- d) all uses of force, including chemical agents and restraints, are reported pursuant to policy and all reports are reviewed by supervisory staff;
- e) staff are subject to discipline for failure to report a use of force when policy requires such a report;
- f) all uses of force and all failures to report a use of force are investigated thoroughly and appropriately by trained investigators; and

g) inmates may report allegations of the use of excessive force orally to any staff member, who shall reduce the report to writing.

30. The County shall implement an effective system for the prompt discipline of staff who violate policies on reporting and use of force.

31. The County shall revise its policy on use of the restraint chair to require pre-authorization and supervision by mental health staff for any non-emergency use of the restraint chair involving inmates with mental illnesses.

32. No hoods may be used under any circumstances. The County shall submit to DOJ for approval a revised policy to permit the use of a disposable spit cap in limited circumstances; the policy shall, at a minimum, prohibit the use of spit caps which restrict an inmate's airway.

33. Security staff shall receive special training on all revised use of force policies.

34. The County shall require all security staff to attend annual in-service training on the use of force and de-escalation techniques.

### **Grievance Procedures**

35. Grievance forms shall be available in all housing units at all times without the need to request one from a counselor or other staff member. The County shall provide a secure and confidential method for delivery of grievances, such as a secure lockbox in an area accessible to inmates. The County shall continue to record and maintain records of inmate grievances, including dispositions, for a minimum of one year. The County shall ensure that inmate grievances are investigated and responded to within a reasonable time frame. Inmates shall be provided at least one level of appeal. The County shall not retaliate against inmates who file grievances or appeals, and shall not limit an inmate's ability to file repetitive grievances, except as consistent with state law. In appropriate cases, the SCJ's response to a repetitive filing may be a reference to an earlier response.

36. The SCJ shall periodically review inmate grievances and the disposition of these grievances to identify trends or emergent problems that may require a management response.

### **Gang Management**

37. The County shall identify and control inmates who are members of organized gangs. Illicit gang-related behavior shall be a factor considered in increasing an inmate's classification status.

## **B. MEDICAL AND MENTAL HEALTH CARE**

### **Screening, Medication, and Specialty Care**

38. The County shall comply with its stated policies to provide medical and mental health intake screening to all inmates; shall provide a 14-day health assessment and examination; shall ensure continuation of prescription medications within 24 hours of intake; shall comply with stated policies to screen inmates for infectious disease; shall continue to provide mental health evaluations for all inmates whose histories or whose responses to initial screening questions indicate a need for such an evaluation; shall provide accurate diagnoses for inmates in need of mental health services; and shall continue to provide timely and appropriate referrals for specialty care.

39. The County shall comply with its stated policy for medication administration, particularly in documenting any missed doses of medication.

### **Sick Call and Staffing**

40. The County shall provide access to sick call to all inmates a minimum of five days per week; shall ensure that sick call request forms are reviewed by qualified medical staff within 24 hours; and shall ensure that, for non-emergency requests, inmates are seen by a qualified medical professional no more than 24 hours after submission of the request, or, if requests are first reviewed by qualified staff, within another 24 hours of that review, except that inmates may be seen within 72 hours of submission of a request on weekends.

41. The County shall hire additional staff to ensure that all sick call examinations are conducted by appropriately qualified and licensed medical professionals or medical staff, pursuant to licensing standards for medical professionals

and nurses in the State of Tennessee. At a minimum, in its contract with its medical care provider beginning July 1, 2002, the County shall increase the number of medical doctors to a minimum of three (3) full time equivalent ("FTE") positions (one of the FTE medical doctor positions may be satisfied by substituting one and one half (1 1/2) FTE mid-level practitioner such as a licensed nurse practitioner or physician's assistant); the County shall also use its best efforts to hire at least ten (10) additional registered nurses to fill the currently authorized nursing positions.

42. The County shall hire additional mental health professionals to ensure delivery of necessary mental health services. At a minimum, the County shall increase psychiatrist staffing to one and one-fifth FTE positions, and shall add a minimum of two FTE positions for mental health professionals to the staffing level authorized through addendum no. 11 to its health care contract.

43. The County shall assess the impact of the chargeable-care policy on delivery of medical and mental health care, consistent with the recommendations contained in the March 31, 1996 position statement on Charging Inmates a Fee For Health Care Services by the National Commission on Correctional Health Care.

44. The County shall provide to DOJ in its 100 Day Report a copy of all materials through which the SCJ explains the chargeable-care system for health care to inmates, including all materials prepared for non-literate and non-English speaking inmates.

45. Mental health workers shall make regular rounds to all housing units, including administrative segregation, in accord with SCJ stated policy; mental health workers shall speak regularly with pod officers on these rounds to assess whether inmates in general population, who have not self-identified as requiring mental health care, should be evaluated by a mental health professional.

#### **Mental Health Information and Intervention**

46. The County shall provide sufficient qualified medical and mental health staff to respond promptly to requests from security staff for medical information/intervention, including, without limitation, assessment and monitoring of inmates identified at intake by the medical alert (or flag) system described in paragraph 25, above; intervention prior to a planned use of force on an inmate known to suffer from mental illness, as required in paragraph 29, above; and identification of inmates for whom the use of chemical agent sprays is medically contraindicated.

47. The County shall ensure that mental health professionals monitor all use of therapeutic restraints pursuant to its revised use of force policy, and shall ensure that mental health professionals are consulted prior to any planned uses of force involving inmates identified as having a mental illness.

#### **Chronic and Critical Care**

48. The County shall implement a system to track inmates with serious and/or chronic illnesses, including mental illnesses, to ensure that these inmates receive necessary diagnosis, monitoring and treatment.

49. The County shall implement a protocol for enhanced communication between medical professionals who transfer any inmate between the SCJ and an outside medical facility, including, but not limited to, transfers between the SCJ and the Regional Medical Center ("the MED"), and between the SCJ and the Memphis Mental Health Institute ("MMHI"). The protocol shall, at a minimum:

- a) be implemented within 6 months of signing this Agreement;
- b) shall be monitored as part of the County's quality assurance program;
- c) shall expressly authorize a SCJ physician to refuse, on medical grounds, to admit (or refuse to accept a transfer of) an inmate from any outside medical facility (specified above), consistent with state law; and
- d) in addition, SCJ internal Policies and Procedures shall be revised to provide direction to staff in accomplishing the transfer inmates to outside medical facilities once a SCJ physician determines, on medical grounds, that the inmate should no longer be housed at the SCJ.

50. The County shall revise its Policies and Procedures on segregation of special needs inmates (currently BK 5201.01-1.04 to BK 52. 02.00-05). At a minimum, the revised policy shall:



- a) prescribe a protocol to identify inmates requiring heightened medical and/or mental health monitoring;
- b) prescribe a method of triaging these special needs inmates for classification and assigning housing based on assessed need; and
- c) specify means of providing enhanced monitoring for inmates who require such close monitoring, pursuant to the County's policies, but for whom no space is available in the housing unit referred to as special needs housing.

#### **Suicide Prevention**

51. The County shall continue to provide appropriate clothing, such as paper gowns or suicide smocks, to all inmates placed under suicide precautions.

52. The County shall implement revised policy and procedures for suicide observation cells (currently Pod 2K) to address the lack of direct visual observation for certain of these cells.

53. All SCJ staff shall receive annual training on suicide prevention.

#### **Universal Precautions**

54. The County shall, within six months, draft and implement a written infection control program to ensure compliance with universal precaution procedures in all SCJ operations. At a minimum, the program shall ensure provision of appropriate cleaning and personal protective equipment, and shall include training on preventing transmission of blood borne pathogens, as well as general sanitation issues.

#### **Critical Incident Reviews**

55. The County shall request an autopsy and shall conduct a critical incident/mortality review for every inmate who dies while in the SCJ (or at the Jail ward of the MED), as part of the County's ongoing quality improvement program. Critical incident review teams shall involve physicians, nurses and other relevant County personnel, including SCJ security staff, and shall seek to determine whether there was a pattern of symptoms or in the SCJ's response which might have resulted in earlier diagnosis and intervention. The review team shall also examine events immediately surrounding the inmate death to determine if appropriate interventions were undertaken.

### **C. ENVIRONMENTAL HEALTH AND SAFETY**

#### **Food Services**

56. Within 150 days of the execution of this Agreement, the County shall have in place a permanent food service provider for SCJ.

57. All food service staff must be trained in food service operations, safe food handling procedures and proper sanitation. The County shall ensure that the temporary food service provider, hired to provide food services during the transition to a private provider, is staffed with a sufficient number of properly supervised and trained personnel.

58. The County shall ensure that its contract with a permanent food service provider contains provisions requiring that all civilian food service staff receive 40 hours of pre-service training in the principles of safe food handling, proper service, and sanitation. Civilians who will have contact with inmates during food preparation or service shall, in addition, receive pre-service training relating to security, emergency evacuation and blood borne pathogen concerns. Inmate food service workers shall receive training in principles of safe food handling and sanitation, although the SCJ shall retain discretion to provide fewer than 40 hours of such training to inmate workers.

59. The County shall ensure that the SCJ's food sanitation practices and procedures comply with state and local health codes.

60. The County shall ensure that the newly-established environmental health and safety manager ("EHM") or his/her designee checks and records on a daily basis the temperatures in the refrigerator, coolers, walk-in-refrigerator, the dishwasher water, and all other equipment with temperature monitors. The EHM shall also verify that the manifold pressure gauge on the dishwasher is checked and recorded on a daily basis. Likewise, to ensure proper sanitation, the EHM shall verify that maintenance personnel check and record on a weekly basis the speed of the dish conveyor to ensure that it conforms to manufacturer specifications. SCJ shall purchase temperature recording strips to measure the

accuracy and adequacy of dishwashing machine temperatures (for both wash and final rinse cycles), and shall purchase chemical sanitizing strips and routinely check to ensure proper sanitizing when food service equipment is washed in sinks.

61. The County shall have inmate meals reviewed annually by a registered dietician to ensure the nutritional adequacy of inmate meals. Menus must be evaluated annually to ensure compliance with nationally recommended basic daily nutritional requirements. A dietician shall also review all special medical diets annually, or more often as necessary. The County shall provide support to its food service manager from a dietician in order to make nutritionally adequate menu substitutions on those occasions when specified menu items are unavailable.

62. The County will construct a new kitchen adjacent to the Jail Annex currently under construction, and will contract for completion of the new kitchen within eighteen to twenty-four months. In the new kitchen, the County shall install new, properly-sized kitchen equipment, i.e., designed to provide food service to the rated capacity of SCJ, including refrigeration units, cooking units and dishwashing and tray washing units.

63. In its 100 day Report the County shall produce an interim plan to DOJ that corrects the problem of broken, malfunctioning, and/or improperly-sized food service equipment. At a minimum, the plan shall designate personnel to perform preventive maintenance and conduct quality assurance checks on all existing food service equipment, including daily checks and documenting of freezer, cooler, refrigerator and holding oven temperatures and daily checks of all sanitizing equipment.

#### **Housekeeping, Preventative Maintenance and Pest Control**

64. The County shall immediately revise its written housekeeping and sanitation plan to ensure the proper routine cleaning of housing and shower areas, which shall include routine housing inspections to assess compliance with its revised plan. The housekeeping plan shall, at a minimum, be revised to specify routine cleaning schedules for the kitchen, medical and other common areas outside inmate housing.

65. The County shall develop a written preventative maintenance plan to improve upon the recently-adopted priority-based work order system, and shall provide a copy of the written plan to DOJ for its comments and approval within 100 days. At a minimum, the plan shall specify a protocol for accurate and timely entry of information into the system, and shall provide for routine audits of the system by the Jail Compliance Unit to assess its efficiency and utility.

66. The County currently utilizes portable eye wash stations. These should be added to SCJ's preventative maintenance plan and inspected annually. To the extent SCJ utilizes any stationary eyewash stations, the County shall ensure that these stations are inspected and flushed on a weekly basis to prevent blockages and to ensure proper pressure. This task shall be added to the preventative maintenance list.

67. The County shall ensure adequate pest control throughout the housing units, medical intake and food storage areas. The County shall maintain a contract for professional exterminator services for the main Jail and Jail East, and the new Jail Annex when it opens. Services should provide for routine spraying and additional spraying as needed.

#### **Personal hygiene and laundry**

68. The County shall ensure that personal hygiene items, including an adequate supply of soap, hair shampoo, toothbrushes, toothpaste, toilet paper, a comb, deodorant, shaving equipment, and feminine hygiene products are made available, as necessary, to every inmate. The Jail Compliance Unit shall review and assess its compliance with this requirement at least twice annually, including a review of inmate grievances concerning hygiene items.

69. The County is currently soliciting bids for an outside contractor to replace the Jail's laundry services which were recently destroyed by a fire. Jail East will continue to do its own laundry. The County shall ensure that its stated policies and procedures regarding the laundering of inmate clothing are implemented by both the temporary and permanent laundry providers, and that inmates are provided clean clothing, underclothing and bedding in compliance with policy. The County shall revise its laundry exchange schedule to ensure equitable distribution and pickup service to all housing areas. The County shall specify in its laundry policy and/or inmate handbook that it will provide inmates two sets of clothing, at a minimum. The Jail Compliance Unit shall review and assess its compliance with laundry policy at least twice annually, including a review of inmate grievances concerning laundry.

70. The County shall ensure adequate lighting in all inmate housing and work areas to enable inmates to read without eyestrain, to maintain adequate personal hygiene, and to facilitate proper sanitation. The County is currently engaged in a bidding process to procure a contractor to repair the lighting in the SCJ's cells, catwalks and showers. The County shall publish/disseminate the RFP and engage a contractor so as to provide sufficient lighting within six months of this Agreement. The County shall notify DOJ in writing of any delays in and/or modification to these time frames.

### **Plumbing**

71. The County shall revise its preventative maintenance plan to define plumbing emergencies, and shall specify back-up procedures to address plumbing emergencies on weekends and outside of business hours.

72. The County shall complete outstanding repair requests and maintain in good working order all toilets, lavatories and showers. These items shall be incorporated on the list of items to be addressed in the SCJ's preventative maintenance plan described in paragraph 65, supra.

### **Ventilation**

73. The County shall ensure adequate ventilation throughout the SCJ to ensure that inmates receive an adequate supply of fresh air and reasonable levels of heating and cooling. Maintenance staff shall review and assess compliance with this requirement at least twice annually; the Jail Compliance Unit shall review inmate grievances concerning heating, cooling and ventilation on a semi-annual basis.

### **Fire Safety and Emergency Preparedness**

74. The County shall develop and implement a comprehensive fire safety program and ensure compliance is appropriately documented. The initial fire safety plan shall be approved by the City or County Fire Marshall. The fire safety plan shall be reviewed thereafter by the Fire Marshall at least every two years, or within six (6) months of any revisions to the plan, whichever is sooner.

75. The County shall forthwith provide DOJ with a plan that ensures that comprehensive fire drills are conducted every three (3) months on each shift. The 100 Day Report shall provide documentation of these drills, including start and stop times and the number and location of inmates who were moved as part of the drills. The County shall ensure that fire safety equipment, including fire extinguishers and self-contained breathing apparatus, is regularly inspected and properly secured, and that inspections are documented.

76. The County shall ensure that staff are able to manually unlock all doors (without use of the manual override in the event of an emergency in which the manual override is broken), including in the event of a power outage or smoke buildup where visual examination of keys is generally impossible. The Jail Compliance Unit shall conduct and document random audits to test staff proficiency in performing this task on all shifts, a minimum of three times per year.

77. The County shall eliminate all electrical hazards, and ensure the proper use of extension cords and proper repair of wiring.

78. The County shall control combustibles and eliminate highly flammable materials throughout the institution and inmate living areas (e.g., inmates' use of paper bags as trash receptacles, ripped fire-retardant mattress covers and, improperly stored and labeled flammable liquids and other chemicals). The County shall remove all impediments compromising the effectiveness of sprinkler heads including, specifically, those in the food storage units in the kitchen area.

79. The Jail Compliance Unit shall conduct regular security inspections and the County shall provide ongoing maintenance to security devices such as door locks and manual unlocking mechanisms to ensure these devices function properly in the event of an emergency.

80. The County shall revise and implement a specific facility tailored Emergency Response Plan within one year of execution of this Agreement. At a minimum, the Emergency Response Plan shall address fire-related emergencies, other emergencies or crisis situations such as escapes, bomb threats, hostage taking and negotiations; and provide for announced and unannounced bi-annual drills to ensure the staff and inmate population understand their respective roles in specific emergency scenarios. All training drills shall be conducted consistent with the injunctive relief ordered in

American Federation of State v. A.C. Gilles, et al., CV.00-2540 ( W.D. Tenn.). The County shall produce a copy of the draft plan to DOJ within 100 days.

#### **D. ACCESS TO THE COURTS AND EXERCISE OPPORTUNITIES**

81. The County shall provide to DOJ within six months a revised policy regarding access to the law library, which at a minimum, shall ensure:

- a) provision of individual storage bins or lockers in which inmates may store legal materials;
- b) that inmates on locked units (psychiatric, administrative and disciplinary segregation, protective custody, and other special needs housing) receive access to legal materials and legal assistance equivalent to that of inmates in the general population;
- c) that inmates who are illiterate and/or have limited or no English proficiency receive meaningful assistance in order to access legal materials and legal assistance;
- d) that a trained aide be available to assist inmates with the law library resources; and
- e) in the event SCJ provides computer access to inmates, inmates will be provided reasonable assistance with this resource.

82. All inmates shall be informed of the policies and procedures for accessing legal assistance at the SCJ.

83. The County shall provide inmates with routine access to outside recreational activities, consistent with the recommendations contained in the NIC Recreation/Programs technical assistance report (#02J1078), dated February 18, 2002. At a minimum, the County shall use its best efforts to provide a minimum of two and one-half (2 ½) days of outdoor recreation each week, weather permitting. These efforts are to be documented and provided to DOJ upon request. The County shall utilize the redesigned outdoor rooftop program area in addition to the gym, seven (7) days a week unless the temperature falls below freezing (32 degrees), rises above 95 degrees, or there is potentially life-threatening inclement weather (e.g., thundershowers or tornados).

#### **IV. REPORTING REQUIREMENTS**

84. The County, through its Criminal Justice Coordinator, shall report semi-annually to the United States Department of Justice ("DOJ") concerning its compliance with the terms of the Agreement (the "Semi-annual Report"). The first Semi-annual Report shall be due six months from the date of this Agreement, and every six months thereafter, until the Agreement is terminated as provided in paragraph 98. At a minimum, the Semi-annual Report shall include the following sections:

- a. A narrative summary of the County's compliance with the terms of this Agreement; where applicable, the summary shall specifically note when the County has failed to meet any deadline specified in this Agreement.
- b. A training summary, in which the County reports the number of hours and type of training provided to staff during the reporting period, separately by supervisory and non-supervisory staff, and, if applicable, separately for security, medical, mental health and civilian staff.
- c. A copy of all substantive court filings made during the reporting period by either the County or the Special Master in the case of Little v. Shelby County, No.96-2520( W.D. Tenn.)
- d. Copies of supporting data and/or reports as specified within this Agreement and itemized in paragraph 85 below.

85. The Semi-annual Report shall include the following documentation and reports:

- a. an update on the status of SCJ's conversion from the indirect to direct supervision model as described in paragraph 15, supra.
- b. a schedule that ensures completion of the 40 hour direct supervision training by all security staff no later than June, 2003, and a report on the SCJ's compliance with this schedule;

- c. an update on steps taken to hire and retain qualified security staff, including: a summary of turnover rates and new hiring; copies of any consultant reports prepared on the issue of staff recruitment and retention; and changes in recruitment or selection procedures, job standards or job descriptions.
- d. copies of the Jail Monthly Summary Report.
- e. documentation demonstrating the Jail Compliance Unit's monthly random checks of the security staff's familiarity with emergency tool and key procedures as described in paragraph 21, supra.
- f. copies of SCJ's audits and a report documenting SCJ's progress in training staff to conduct internal audits as described in paragraph 22, supra.
- g. the number and types of inmate disciplinary infractions referred to the disciplinary committee during the report period, a summary of the dispositions, and the total number of cases abandoned for lack of a timely hearing.
- h. copies of one week's shakedown-logs summarizing contraband confiscated, as described in paragraph 23, supra, from any week of any month in the reporting period.
- i. a summary of the number and types of force used during the reporting period and the results of the reviews conducted on the uses of force during the reporting period, including any staff discipline imposed.
- j. copies of the monthly medical quality assurance committee minutes, and all audits of medical or mental health services.
- k. reports on both medical and mental health staffing described in paragraph 41-42, supra, including the number of vacancies in authorized medical and mental health positions on the first day of each month.
- l. copies of all audits concerning the chargeable care policy, and any findings of those audits, as described in paragraph 43, supra, and a review of any inmate grievances concerning access to or provision of medical or mental health care.
- m. copies of any revised or supplemental materials provided to inmates, including a script used by staff to explain the chargeable care policy as described in paragraph 44, supra. The script shall be provided for DOJ's review within 100 days.
- n. a copy of SCJ's protocol for enhanced communication between medical professionals who transfer any inmate between the SCJ and an outside medical facility as described in paragraph 49, supra, and a report on compliance with the protocol.
- o. documentation of the SCJ's basic blood borne pathogen training and in-service training for all staff as described in paragraph 54, supra.
- p. list the personal protective equipment currently available to SCJ staff;
- q. copies of quarterly spore count test results for autoclaves;
- r. report all mortality statistics for inmates who die in custody or upon transfer to an outside hospital, including the number of deaths; date of death; age; and suspected cause of injury or death. The County shall also describe any quality improvement measures implemented during the reporting period pursuant to the recommendation of the critical incident review committee as described in paragraph 55, supra.
- s. a status report summarizing safe food handling, proper service and sanitation training received by food service employees as described in paragraph 57-58, supra.
- t. a status report on SCJ's preventive maintenance efforts and documentation regarding the degree of compliance with the plan as described in paragraph 65, supra.
- u. documentation describing SCJ's provision of personal hygiene items described in paragraph 68, supra, and a semi-annual review and assessment of inmate grievances concerning hygiene items.

- v. documentation describing SCJ's compliance with its laundry policy described in paragraph 69, supra, including a semi-annual review of any inmate grievances concerning laundry.
- w. documentation describing SCJ's compliance with the requirement to provide adequate ventilation, including its semi-annual review of any inmate grievances concerning heating, cooling and ventilation.
- x. copies of the Fire Marshall's reports regarding SCJ as described in paragraph 74, supra.
- y. documentation that the Jail Compliance Unit has verified that the SCJ has conducted random audits to test staff proficiency in unlocking all doors manually as described in paragraph 76, supra.

86. In addition to the Semi-annual Report, the County shall provide to DOJ, within 130 days of this Agreement, a report describing its compliance with those tasks for which a 100 day report is specified.

87. During the term of this Agreement, upon reasonable notice, the United States and its consultants shall have access to all facilities referenced in this Agreement and to the records of inmates and compliance records to the extent necessary to assure compliance with the specific terms of this Agreement. Upon request, the County shall provide to the United States, within a reasonable time, copies of, or access to, SCJ documents or records and/or documents or records created by any agent or contractor authorized by Shelby County to work or to provide services at the SCJ.

88. The United States shall have the right to conduct confidential interviews with inmates. The County shall continue to permit inmates to send and to receive confidential legal mail to attorneys of record, courts and to representatives of the Department of Justice.

89. Nothing in this Agreement shall be construed to limit DOJ's right to request additional documentation and/or conduct inspections in addition to those specified herein.

#### **V. IMPLEMENTATION, ENFORCEMENT and TERMINATION**

90. The County shall implement immediately all provisions of this Agreement which involve the continuation of current County policies, procedures, and practices.

91. The County shall provide to DOJ each plan, policy, form and/or training materials revised pursuant to this Agreement within the time specified herein. Any subsequent revisions to these materials shall also be submitted to DOJ during the term of this Agreement. The United States shall expeditiously review all plans, policies, procedures, forms and/or training materials for which this Agreement requires approval from the United States prior to implementation.

92. In the event that DOJ does not approve policies and procedures required to be approved pursuant to the terms of this Agreement, the parties will agree to a schedule for Shelby County to submit additional revisions for appropriate approval. In any matter requiring its approval under this Agreement, DOJ shall not unreasonably withhold any such approval.

93. The parties agree to file this Agreement with the Court in conjunction with a joint motion, pursuant to Fed. R. Civ. P. 41(a)(2), for the dismissal of this case. The dismissal shall be conditioned upon the County's achieving substantial compliance with the entire agreement and maintaining compliance for at least one year thereafter. The motion shall request that the case be placed on the Court's inactive docket.

94. Substantial Compliance with each term of this Agreement shall fully satisfy the Agreement. The burden shall be on the County to demonstrate that it is in substantial compliance with each of the provisions of the Agreement. Noncompliance with mere technicalities, or temporary failure to comply during a period of otherwise sustained compliance, shall not constitute failure to maintain substantial compliance. At the same time, temporary compliance during a period of otherwise sustained noncompliance shall not constitute substantial compliance.

95. Substantial compliance may be achieved separately in any of the four substantive areas addressed in this settlement agreement (medical and mental health care, security and protection from harm, environmental health and safety, and/or access to exercise and to the courts). If the County achieves substantial compliance in any of the four substantive areas of the Agreement, prior to achieving full compliance with the entire Agreement, and then maintains that compliance for a period of one year, then the County may discontinue those portions of the Semi-annual report

which concern compliance with that substantive area of the Agreement. The County shall remain obliged, however, to provide this information, or other specific information requested by the Department, upon request.

96. The United States reserves the right to file a motion to restore this case to the Court's active docket for purposes of litigating the allegations in the Complaint if it believes Shelby County is not in substantial compliance with the Agreement. The United States shall give Shelby County thirty (30) calendar days' written notice before the filing of such motion and will attempt to resolve such disputes cooperatively.

97. In the event the United States believes that the County has failed to substantially comply with the terms of this Agreement, in whole or in part, and such non-compliance threatens the immediate health and safety of inmates, the United States may, without further notice, file a motion to restore the case to the Court's active docket.

98. Once the County has determined that it is in substantial compliance with this Agreement or any of its four substantive areas, the County shall notify the United States in writing, by certified mail, return receipt requested. If the United States does not provide a written objection to such determination within forty-five (45) days of receipt of said notice, the County will be deemed to be in substantial compliance beginning on the date of the notice. If the United States provides a written objection to such determination, in whole or in part, the parties shall make good faith efforts to resolve the dispute. One (1) year from the date the County has reached and maintained substantial compliance with the terms of the entire agreement, the parties shall file a joint motion for final dismissal of this action.

99. In the event that the allegations in the underlying complaint are litigated (i.e., through a trial or dispositive motions), this Agreement shall not be introduced or used as evidence.

100. Notice under this Agreement shall be provided by Federal Express overnight delivery and shall be provided to the Shelby County Sheriff's Legal Advisor, the Shelby County Attorney, and the United States Department of Justice, at the addresses used in the signature pages of this Agreement, or as otherwise designated in written notice to all signers of the Agreement.

101. The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this Agreement shall not be construed so as to create such status. The rights, duties, and obligations contained in this Agreement shall operate only between the parties to the Agreement, and shall inure solely to the benefit of the parties to this Agreement. This Agreement is not intended to impair or expand the right of any person or organization to seek relief against the County for its conduct or the conduct of County employees or agents; accordingly, it does not alter legal standards governing any such claims.

102. Except as otherwise provided by law, nothing in this Agreement shall preclude the United States from filing an action against any of the defendants under any other applicable provision of law.

103. This Agreement shall be applicable to and binding upon all parties, their officers, agents, employees, assigns, and their successors in office, all in their official capacities.

104. The County shall make the substantive terms of this Agreement available to all inmates by maintaining a complete copy of the Agreement in the law library, and providing a complete copy to any inmate upon request.

FOR THE UNITED STATES:

/s/ Terrell L. Harris

TERRELL L. HARRIS  
United States Attorney  
Western District of  
Tennessee

/s/ Ralph F. Boyd, Jr.

RALPH F. BOYD, JR.  
Assistant Attorney General

Civil Rights Division

/s/ Steven H. Rosenbaum

STEVEN H. ROSENBAUM  
Chief  
Special Litigation Section

/s/ Mellie H. Nelson

MELLIE H. NELSON  
Deputy Chief  
MARY R. BOHAN  
TAMMIE M. GREGG  
Trial Attorneys  
U.S. Department of Justice  
Civil Rights Division  
Special Litigation Section  
P.O. Box 66400  
Washington, D.C. 20035-6400

FOR SHELBY COUNTY:

/s/ Jim Rout

JIM ROUT  
Mayor of Shelby County  
in his official capacity

/s/ Donnie Wilson

DONNIE WILSON  
Shelby County Attorney  
in his official capacity

FOR THE SHERIFF OF SHELBY COUNTY:

/s/ A.C. Gillless

A.C. GILLESS  
Sheriff of Shelby County  
in his official capacity

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*Updated August 6, 2015*

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Was this page helpful?

Yes No





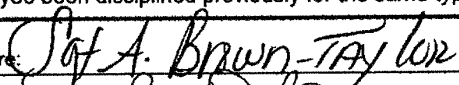
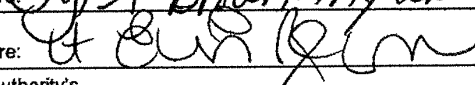
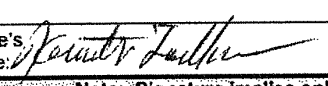
SI2018-404	08/03/18	Inmate Patrick Shaw complained that Officer Danielle May sprayed him with the Biovex used to clean the mattresses, while he was sitting on his bunk. Surveillance footage was reviewed and proved Officer May inmate Shaw multiple times. During the investigation Officer May lied to investigators and it was determined that Officer May sprayed the inmate with the bleach solution.	Three (3) day suspension without pay	SC 855 - 58
SI2018-508	10/03/18	Officer Kenneth Faulker pushed Inmate Meco Hampton a total of seven times during an incident. Surveillance footage did not show Inmate Hampton displaying any aggressive behavior during the time of the incident.	Three (3) day suspension without pay; EAP referral to anger management	SC 861 - 64
SI2018-565	10/18/18	Officer Katisha Walker was seen on surveillance footage pushing Inmate Kelvin Collins in his chest on two separate times and it was determined that the force was not required.	Written Reprimand	SC 869 - 70
SI2018-545	10/19/18	Officer Pierre Finnie deployed Freeze Plus P into the face of an inmate who was secured in full restraints. Officer Finnie was found to have used needless force, failed to have used reasonable alternatives prior to using freeze plus, and failed to maintain self-control.	Three (3) day suspension without pay	SC 865 - 68
SI2018-576	11/06/18	Officer Andre Bardwell was seen on surveillance footage, spraying into an open cell security flap with his chemical agent, assaulting an inmate with the chemical agent. Officer Bardwell was not in harm's way nor was there a threat to anyone else.	Oral Reprimand	SC 871 - 72
SI2018-594	11/10/18	Officer Haliburton was escorting inmate Griggs out of the pod (inmate Griggs was not comative and per Officer Haliburton complying) when Officer Terita Payne came up and sprayed both the inmate and Officer Haliburton.	Written Reprimand	SC 873 - 74

SI2019-151	02/25/19	Inmate Derron Pegues observed on surveillance footage walking towards Officer Damian Cooper's desk. Officer Cooper stood to his feet and another inmate stood between them with his hands held out, as if to keep them apart. Inmate Pegues remained about six to eight feet away from Officer Cooper, and still behind the taped security line on the floor in front of the officer's desk. When the inmate standing between them walked away, inmate Pegues began backing up with his hands down at his side as Officer Cooper began walking toward him. Officer Cooper then reached for his chemical agent and inmate Pegues began to turn away. Officer Cooper then reached around inmate Pegues' head and sprayed him in the face. Officer Cooper then grabbed the back of Inmate Pegues' hair from behind and pulled him to the floor. Once they reached the floor, Officer Cooper began punching inmate Pegues with his left fist. Officer Cooper then put Inmate Pegues in a headlock.	Oral Reprimand	SC 893 - 94
SI2019-226	04/09/19	Officer Kimberly White observed striking inmate Lildarryl Clark in the face and then with a closed fist unprovoked.	One day suspension without pay; reduced to written reprimand	SC 895 - 98
SI2019-303	04/10/19	Lt. Conolly observed stomping and kicking inmate Antwon Robinson while he was being held down on the floor.	One day suspension without pay	SC 907 - 08
SI2019-265	05/07/19	Lieutenant Todd Connolly walked up to a gated bar door and sprayed a chemical agent at Inmate Brandon McClendon. Officer E. Chaney opened the bar door and Inmate McClendon came out. Several officers followed the inmate as well as Lt. Connolly. Lt. Conolly sprayed inmate McClendon again while he was handcuffed and had his head down.	One day suspension without pay	SC 901 - 904
SI2019-348	06/27/19	Officer Katisha Walker observed standing in front of Inmate Damien Boone's cell shaking her Freeze P plus and spraying two bursts into the cell and then walking away. Officer Walker failed to notify command of deploying her chemical agent and did not create an incident report.	Ten (10) day suspension without pay	SC 909 -12

AI2019-035	08/14/19	Officer Fredrick McCloud accosted inmate Jeremy Fields, while he was handcuffed and assaulted him in a vicious and retaliatory manner. Officer McCloud followed inmate Fields to 2nd floord medical without any prior authorization to do so, where he conducted the assault. This assault resulted in inmate Fileds receiving significant head injuries and required treatment at the emergency room. A grand jury indicted Officer McCloud on 11/13/2019, of felony misconduct and aggravated assault.	Termination	SC 881 - 87
SI2019-569	10/26/19	Inmate Monterio Towles was complying with an order to walk towards the holding tank as instructed. Officer Ronald Nesbit was observed running behind Inmate Towles and placing his neck around inmate Monterio Towles' neck and choking him out to the point that Inmate Towles either passed out or appeared to pass out.	Oral Reprimand	SC 916 - 19
AI2019-050	11/04/19	Corrections Deputy Cleosha Lee jeopardized her safety as well as Officer Alamin's safety by confronting an irate inmate and engaging in an unnecessary physical altercation. Inmate Lurry did not pose an immediate threat to herself or others at the time of the incident.	30 Day suspension without pay	SC 888 -892
SI2020-85	01/13/20	Surveillance footage shows Sergeant Camry Porter pulling inmate Carlisle from the back of his head and putting her arm around his neck.	Three (3) day suspension without pay	SC 928 - 31
SI2020-328	03/28/20	Officer Latricia Edwards deployed chemical agents against inmate Ralph Johnson when inmate Johnson did not pose a threat and was retreating back into his cell.	Oral Reprimand	SC 933 - 34
AI2020-016	05/06/20	Officer Lee Simmons assaulted inmate Deandre Mitchell. Inmate Mitchell did not have a hostile posture and both his arms were at his side while surrounded by four officers. Officer Simmons struck Inmate Mitchell from behind with a closed fist in the facial area. Inmate Mitchell did not swing at any staff member and only take actions to block blows by staff.	Ten (10) day suspension without pay	SC 920 - 25; Askew upheld punishment SC 926 - 27
SI2020-376	07/05/20	While staff attempted to cuff Inmate Katrina Boone on the ground, Sergeant Halliburton kicked her.	Three (3) day suspension without pay	SC 936 - 39

SI2020-431	07/20/20	Inmate D. Edwards was struck in the face by Officer LaTricia Edwards in the face with a closed fist then placed in a headlock while posing no threat to Officer Edwards. Officer Edwards straddled the inmate and struck him multiple times with a closed fist while the inmate did not fight back or protect himself.	One (1) day suspension without pay	SC 940 - 44
SI2020-456	07/20/20	The incident involving Mr. Hester that serves as the basis for this lawsuit. Only Defendant Jones was punished.	Ten (10) day suspension without pay	SC 945 - 48
SI2020-457	07/20/20	Officer Marico Johnson was delivery food in third floor P-pod. The pod was on lockdown due to staff shortages on this day. Once Officer Johnson mate it to 3-P-18 the door was rolled open for Inmate Brandon Clay. Inmate Clay walked out of the cell with his belongings in his hand and nonthreatening. Officer M. Johnson sprayed inmate B. Clay with freeze plus p, inmate B. Clay then turned and ran back into his cell. Officer M. Johnson is seen on surveillance footage going into the cell behind the inmate. Seconds later, Officer M. Johnson can be seen at the door pulling inmate B. Clay out of the cell by his shirt, slanging him clear across the pod to the other side.	Ten (10) day suspension without pay	SC 949 - 52
SI2021-089	01/08/21	At 1910 on Friday January 8, 2021, Inmate Henderson can be seen exiting the strip search tank without a face mask on. The mask was in his hand as he approached Officer Cooper. Officer Cooper and inmate Henderson were facing each other exchanging words when Officer Cooper pushed Henderson in the chest with an open hand palm into the wall. At no time did inmate Henderson make an aggressive move toward officer Cooper. Then Officer Cooper struck inmate Henderson with a closed fist on the left side of his face.	Ten (10) day suspension without pay	SC 965 - 67
SI2021-131	01/08/21	Officer Quintin Draper assisted Officer Cooper in the above incident. Officer Draper placed inmate Henderson in a choke hold.	Written Reprimand	SC 971 - 72
SI2021-228	03/19/21	Despite being instructed on several occasions by Captain Rudd and LT. Lee not to go into the strip search tank without a male officer being present Officer Quintin Draper entered the strip search tank on March 19, 2021. Inmate Ventrell Collins tossed his shirt on the ground and told Officer Draper to pick it up. Officer Draper was then observed striking inmate Collins with a closed fist.	Ten (10) day suspension without pay	SC 973 - 76

SI2021-544	05/26/21	Officer Steveland Freeman was observed on surveillance striking inmate Cortez Davis, while handcuffed, in the facial area and spraying him chemical agents for being in his personal space.	One (1) day suspension without pay	SC 977 - 80
SI2021-617	06/13/21	Officers Kenneth Boykin deployed his chemical agent at two (2) inmates multiple times in reference to Incident #21-0613-120. After the inmate's actions didn't warrant any further escalated use of force with chemical agents, Officer Boykin continued to deploy his chemical agent.	Ten (10) day suspension without pay	SC 981 - 84
SI2021-629	06/29/21	Officer Desmon Haywood observed grabbing inmate Barnes from behind as inmate Barnes was proceeding to his bunk and placed an arm around his neck. A physical altercation ensued.	Ten (10) day suspension without pay; referral to EAP	SC 985 - 88
SI2021-797	09/13/21	Surveillance footage shows Officer Cortez Sims engaging in an altercation with inmate Darshun Holliday three times without inmate Holliday fighting back. Officer Sims pushed Inmate Holliday several times and swung towards his facial area.	Five (5) day suspension without pay	SC 989 - 92
SI2021-823	09/13/21	Officer Markus Buchanon deployed chemical agent against inmate Roderick Moore after inmate Moore raised his hands and laid on the floor on his stomach.	Five (5) day suspension without pay	SC 993 - 96

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>				Case #:	
<b>Disciplinary Action Form</b>				<b>SI2018-261</b>	
<b>(Use Black Ink Only)</b>					
<p><i>The appropriate supervisor must complete this form when employee disciplinary action occurs. A detailed description and support documentation of the infraction must be included/attached. The supervisor and manager should sign the form and if possible, the appointing authority should review the form before counseling with the employee takes place. The supervisor will review form content and expected improvement/s with the employee who must sign the form to indicate his/her awareness of the action taken. The employee may include comments and must receive a copy of the form and any attachments. Forward the completed form to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) days after the disciplinary action takes place.</i></p>					
Employee Name: First/Last Name)	<b>Kenneth Faulkner</b>	S#6038	ID # 9438	Date Served	<b>6/20/2018</b>
Job Classification:	<b>CORRECTIONS DEPUTY</b>	Dept: <b>SCSO JAIL DIVISION</b>			
Type/Extent of Disciplinary Action:	<b>Oral Reprimand</b>				
Reason/s for Disciplinary Action -- Standard Operating Rule Violations:					
<b>SOR 301 EXCESSIVE FORCE</b>					
<b>B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties</b>					
(If necessary attach additional documentation)					
<b>SEE ATTACHED DISCIPLINARY ACTION FORM ADDENDUM, PAGE 2</b>					
Expected Improvement: <b>Officer Faulkner is expected to follows the Excessive force use of policy,</b>					
Has employee been disciplined previously for the same type of infraction?			Yes	<input checked="" type="checkbox"/>	No
			Date:	<b>5/19/2017</b>	
Supervisors Title/Signature:					Date:
					<b>6/20/2018</b>
Manager's Title/Signature:					Date:
					<b>6/20/18</b>
Appointing Authority's Title/Signature:					Date:
Employee's Comments:					
Employee's Signature:					Date:
					<b>6/20/2018</b>
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken</b>  <b>Employees have the right to appeal this action through the administrative grievance procedure.</b></p>					
Explain absence of employee's signature:					
Supervisor's Signature:			Date:		
Witness' Signature: (If applicable)			Date:		

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee:  
**Officer Kenneth Faulkner S#6038**

Department:  
**SCSO JAIL DIVISION**

On Tuesday June 5, 2018 I received Grievance# G-44237 from Lieutenant E. Pigrum S#3028. On the Grievance Inmate Christopher Henderson Booking Number 18110843 stated that Officer Kenneth Faulkner S#6038 pushed him down the steps. Surveillance was viewed it showed that Inmate Henderson was walking down the steps from the 6<sup>th</sup> Floor going to the Gym. Inmate Henderson was talking and looking back at Officer Faulkner whom was behind him. Officer Faulkner pushed him on his back right shoulder. Inmate Henderson couldn't be interviewed because he has been released. Officer Faulkner is being written-up for Excessive Force and being referred for Disciplinary Actions.

**SOR 301 EXCESSIVE FORCE**

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties

- On the Grievance Inmate Christopher Henderson Booking Number 18110843 stated that Officer Faulkner S#6038 pushed him down the steps.
- Surveillance was viewed it showed that Inmate Henderson was walking down the steps from the 6<sup>th</sup> floor going to the gym.
- Officer Faulkner pushed him on his back right shoulder.



<b>SHELBY COUNTY SHERIFF'S OFFICE</b>			<b>Case #:</b>	
<b>Disciplinary Action Form</b>			<b>SI2018-404</b>	
<b>(Use Black Ink Only)</b>				
<p><i>The appropriate supervisor must complete this form when employee disciplinary action occurs. A detailed description and support documentation of the infraction must be included/attached. The supervisor and manager should sign the form and if possible, the appointing authority should review the form before counseling with the employee takes place. The supervisor will review form content and expected improvement/s with the employee who must sign the form to indicate his/her awareness of the action taken. The employee may include comments and must receive a copy of the form and any attachments. Forward the completed form to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) days after the disciplinary action takes place.</i></p>				
Employee Name: <small>(First/Last Name)</small>	<b>DANIELLE MAY</b>	S- 9278	ID#:	Date Served: <b>8/10/2018</b>
Job Classification:	<b>Corrections Deputy</b>	Dept: <b>SCSO Jail Division</b>		
Type/Extent of Disciplinary Action:	<b>Three (3) days suspension without pay</b>			
Reason/s for Disciplinary Action – Standard Operating Rule Violations: <b>SOR 101: SOR 101 COMPLIANCE WITH REGULATIONS: TO WIT: DIRECT SUPERVISION: SUBSECTION B. SOR 102 UNSATISFACTORY PERFORMANCE SOR 301 EXCESSIVE FORCE</b>				
(If necessary attach additional documentation) Describe the incident completely listing date, time place, and person(s) involved:  <b>See attached Disciplinary Action Form addendum (page 2)</b>				
Expected Improvement: Officer May is expected to follow the Jail policy and the SOP when dealing with the inmates within the facility.				
Has employee been disciplined previously for the same type of infraction?		Yes	<input checked="" type="checkbox"/>	No
		Date: <b>8/23/2017</b>		
Supervisors Title/Signature:	<i>[Signature]</i>			Date: <b>8/10/2018</b>
Manager's Title/Signature:	<i>[Signature]</i>			Date: <b>8-10-18</b>
Appointing Authority's Title/Signature:				Date:
Employee's Comments:				
Employee's Signature: <i>[Signature]</i>				Date: <b>8.10.18</b>
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative grievance procedure.</b></p>				
Explain absence of employee's signature:				
Supervisor's Signature:				Date:
Witness' Signature: (If applicable)				Date:

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
Copy to Employee with applicable attachments

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>	
Employee: <b>DANIELLE MAY S#9278</b>	Department: <b>SCSO Jail Division</b>
<p>On August 03, 2018, Inmate Patrick Shaw booking number 18114008, informed me he was sprayed several times by Officer Danielle May S#9278 with the Biovex used to clean the mattresses, while he was sitting on his bunk 43, in Sixth floor C-pod. I informed inmate Shaw, I will look into his allegations against Officer May. I, (Sgt. Williams) contacted surveillance Officer Ward S#4697, at 0815 hours, and asked her to go back and watch the video footage of Sixth floor C-pod, starting around 0750 hours. Officer Ward contacted me and informed me she didn't see anything when she went back to 0750 hours. Officer Ward contacted me again around 0830 hours, to inform me she went back further on the video footage to 0733 hours, and informed me to get permission to come and view the video footage. When I arrived to the surveillance room, I was able to see the video footage for myself. I saw Officer D. May, and Recruit Officer Terrence Pulliam Jr. S#10768, walking around spraying the inmate's mattresses with Biovex for mattress sanitation. Officer May stopped at one of the bunks conversing with an inmate that was sitting upon his bunk. Officer May raised the Biovex bottle and sprayed the inmate several times with the contents in the bottle. I spoke to Officer May, with Officer Chandler S#4517 of the union and informed her of my findings. Officer May explained, she was spraying the mattresses for the inmates to sanitize their mattresses, and she never sprayed inmate Shaw, when I asked her did she spray him. I informed Officer May, she was seen on the surveillance video spraying inmate Shaw. Officer Chandler and I went to surveillance and he saw the incident first hand. I spoke to Recruit Officer Pulliam, and he stated; "I was shadowing Officer May, while we walked around spraying the inmates mattresses, an inmate got upset because Officer May woke him up, he yelled out you a hoe, towards Officer May." "Officer May sprayed the inmate with the bleach and afterwards he became upset asking for the Sergeant!" Officer May was informed she will be written up for this incident and the charges will go as follows.</p> <p><b>SOR 101 COMPLIANCE WITH REGULATIONS:</b> DISCIPLINARY ACTION MAY BE TAKEN FOR, VIOLATIONS OF THE STATED POLICY, RULES, REGULATIONS, ORDERS, STANDARD OPERATING PROCEDURE (SOP'S), THE SCSO POLICY # 106 CODE OF ETHICS, DIRECTIVES OF THE SCSO, AND ALL FEDERAL, STATE AND LOCAL LAWS, AND SHELBY COUNTY GOVERNMENT POLICIES.</p> <p><b>TO WIT:</b> 305.05 DIRECT SUPERVISION SUBSECTION B. INMATES ARE NOT SUBJECTED TO PERSONAL ABUSE, CORPORAL PUNISHMENT, PERSONAL INJURY, DISEASE, PROPERTY DAMAGE OR HARASSMENT.</p> <ul style="list-style-type: none"> <li>• Officer May sprayed inmate Shaw with Biovex, while the inmates were cleaning their mattresses.</li> </ul> <p><b>SOR 102 UNSATISFACTORY PERFORMANCE:</b> ALL EMPLOYEES WILL MAINTAIN SUFFICIENT COMPETENCY TO PROPERLY PERFORM ASSIGNED DUTIES AND RESPONSIBILITIES OF THE POSITION TO WHICH THEY ARE ASSIGNED.</p> <ul style="list-style-type: none"> <li>• Officer May sprayed Inmate Shaw with Biovex,</li> </ul> <p><b>SOR 301 EXCESSIVE FORCE:</b> ALL EMPLOYEES WILL NOT USE FORCE AGAINST ANY PERSON THAT IS UNPROVOKED, NEEDLESS, OR NOT REQUIRED DURING THE PERFORMANCE OF THEIR OFFICIAL DUTIES.</p> <ul style="list-style-type: none"> <li>• Officer May, sprayed inmate Shaw with Biovex which is used to sanitize the inmate mattresses, while he was sitting on his bunk. Inmate Shaw didn't show any sign of aggression when he was sprayed.</li> </ul>	

*positions*  
*A*  
*S/S*

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
**(Use Black Ink Only)**

Employee Name/Rank: (First/Last Name)	<b>DANIELLE MAY C/D</b>	S#: <b>9278</b>	Case#: <b>SI2018-404</b>
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Unit/Section/ Department:	<b>SCSO Jail Division</b>	Charging/Investigating Officer/Supervisor:	<b>Sergeant R. Williams</b>
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Date of Policy Violation: **On AUGUST 03, 2018**

<b>Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule/s:</b>	<b>SOR 101 COMPLIANCE WITH REGULATIONS; IN WIT TO 305.05 DIRECT SUPERVISION: SUBSECTION B. SOR 102 UNSATISFACTORY PERFORMANCE SOR 301 EXCESSIVE FORCE</b>
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Summary of Investigation:  
  
**See attached Pre-Disciplinary Hearing Notice addendum, page 2.**

Scheduled Hearing Day,  
Date, Time & Location:

I acknowledge receipt of this notification:  
  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Notifying Officer/Supervisor/  
Disciplinary Review Rep.  
  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

<b>Employee's Initials &amp; Date</b>	<b>This document is your notice of a Pre-Disciplinary Hearing based on this/these charge/s. You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.</b>
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Hearing Results/Recommendations:

Date: \_\_\_\_\_ Hearing Officer: \_\_\_\_\_

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On 8/10/2018 the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to **Three (3) days suspension without pay**

Employee Signature: <i>Danielle May # 9278</i>	Witness Signature: <i>M Powell</i>
Date: <i>8-10-18</i>	Date: <i>8/10/2018</i>

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
**(Use Black Ink Only)**

Employee:

**Danielle May**

Department:

**SCSO Jail Division**

On August 03, 2018, Inmate Patrick Shaw booking number 18114008, informed me he was sprayed several times by Officer Danielle May S#9278 with the Biovex used to clean the mattresses, while he was sitting on his bunk 43, in Sixth floor C-pod. I informed inmate Shaw, I will look into his allegations against Officer May. I, (Sgt. Williams) contacted surveillance Officer Ward S#4697, at 0815 hours, and asked her to go back and watch the video footage of Sixth floor C-pod, starting around 0750 hours. Officer Ward contacted me and informed me she didn't see anything when she went back to 0750 hours. Officer Ward contacted me again around 0830 hours, to inform me she went back further on the video footage to 0733 hours, and informed me to get permission to come and view the video footage. When I arrived to the surveillance room, I was able to see the video footage for myself. I saw Officer D. May, and Recruit Officer Terrence Pulliam Jr. S#10768, walking around spraying the inmate's mattresses with Biovex for mattress sanitation. Officer May stopped at one of the bunks conversing with an inmate that was sitting upon his bunk. Officer May raised the Biovex bottle and sprayed the inmate several times with the contents in the bottle. I spoke to Officer May, with Officer Chandler S#4517 of the union and informed her of my findings. Officer May explained, she was spraying the mattresses for the inmates to sanitize their mattresses, and she never sprayed inmate Shaw, when I asked her did she spray him. I informed Officer May, she was seen on the surveillance video spraying inmate Shaw. Officer Chandler and I went to surveillance and he saw the incident first hand. I spoke to Recruit Officer Pulliam, and he stated; "I was shadowing Officer May, while we walked around spraying the inmates mattresses, an inmate got upset because Officer May woke him up, he yelled out you a hoe, towards Officer May." "Officer May sprayed the inmate with the bleach and afterwards he became upset asking for the Sergeant!" Officer May was informed she will be written up for this incident and the charges will go as follows.

**SOR 101 COMPLIANCE WITH REGULATIONS:** DISCIPLINARY ACTION MAY BE TAKEN FOR, VIOLATIONS OF THE STATED POLICY, RULES, REGULATIONS, ORDERS, STANDARD OPERATING PROCEDURE (SOP'S), THE SCSO POLICY # 106 CODE OF ETHICS, DIRECTIVES OF THE SCSO, AND ALL FEDERAL, STATE AND LOCAL LAWS, AND SHELBY COUNTY GOVERNMENT POLICIES.

**TO WIT:** 305.05 DIRECT SUPERVISION SUBSECTION B. INMATES ARE NOT SUBJECTED TO PERSONAL ABUSE, CORPORAL PUNISHMENT, PERSONAL INJURY, DISEASE, PROPERTY DAMAGE OR HARASSMENT.

- Officer May sprayed inmate Shaw with Biovex, while the inmates were cleaning their mattresses.

**SOR 102 UNSATISFACTORY PERFORMANCE:** ALL EMPLOYEES WILL MAINTAIN SUFFICIENT COMPETENCY TO PROPERLY PERFORM ASSIGNED DUTIES AND RESPONSIBILITIES OF THE POSITION TO WHICH THEY ARE ASSIGNED.

- Officer May sprayed Inmate Shaw with Biovex,

**SOR 301 EXCESSIVE FORCE:** ALL EMPLOYEES WILL NOT USE FORCE AGAINST ANY PERSON THAT IS UNPROVOKED, NEEDLESS, OR NOT REQUIRED DURING THE PERFORMANCE IF THEIR OFFICIAL DUTIES.

- Officer May, sprayed inmate Shaw with Biovex which is used to sanitize the inmate mattresses, while he was sitting on his bunk. Inmate Shaw didn't show any sign of aggression when he was sprayed.

- 300.05 Pre-Disciplinary Hearing Form Addendum

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>				<b>Case #:</b>	
<b>Disciplinary Action Form</b>				<b>S12018-422</b>	
<b>(Use Black Ink Only)</b>					
<p><i>The appropriate supervisor must complete this form when employee disciplinary action occurs. A detailed description and support documentation of the infraction must be included/attached. The supervisor and manager should sign the form and if possible, the appointing authority should review the form before counseling with the employee takes place. The supervisor will review form content and expected improvement/s with the employee who must sign the form to indicate his/her awareness of the action taken. The employee may include comments and must receive a copy of the form and any attachments. Forward the completed form to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) days after the disciplinary action takes place.</i></p>					
Employee Name: <small>(First/Last Name)</small>		Nicholas Hyman	S#9244	ID#:	16211
				Date Served:	8/14/2018
Job Classification:			Corrections Deputy	Dept:	
				SCSO JAIL DIVISION	
Type/Extent of Disciplinary Action: <i>Oral Reprimand</i>					
Reason/s for Disciplinary Action – Standard Operating Rule Violations:					
SOR 301 Excessive Force					
SOR102 Unsatisfactory performance <span style="float: right;"><i>2/27</i></span>					
(If necessary attach additional documentation)					
Describe the incident completely listing date, time place, and person(s) involved:					
See attached Disciplinary Action Form addendum, page 2					
Expected Improvement:					
Officer Hyman is expected to follow protocol, call for a supervisor or C.I.T. Officer.					
			Yes	<input checked="" type="checkbox"/>	No
					Date: 8/31/2012
Supervisors Title/Signature:		<i>[Signature]</i> S# 5032			Date:
					8/14/2018
Manager's Title/Signature:		<i>[Signature]</i>			Date:
					8/14/18
Appointing Authority's Title/Signature:					Date:
Employee's Comments:					
Employee's Signature: <i>N. Hyman</i>					Date: 8/14/2018
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative grievance procedure.</b></p>					
Explain absence of employee's signature:					
Supervisor's Signature:					Date:
Witness' Signature: (If applicable)					Date:

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
Copy to Employee with applicable attachments

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>	
Employee: <b>Nicholas Hyman</b>	<b>SCSO Jail Division</b>
<p>On Friday, July 27, 2018 at about 0720 hours, Officer Nicholas Hyman violated the Shelby County Sheriff Department Use of Force Policy. Officer Hyman was observed on surveillance footage using his department issued Freeze Plus P chemical agent to spray an inmate that was secured behind his cell door. Officer Hyman was not in harms' way because the inmate was secured. The proper protocol for such situations is to contact a supervisor for refusal of staff orders and he/she will make arrangements for a C.I.T. officer to mediate the dispute.</p> <p><b>SOR 301 EXCESSIVE FORCE</b></p> <p>B) An employee will not use force against any person that is unprovoked, needless, or not required during the performance of his/her official duties. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <p>C) An employee may not use force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.</p> <ul style="list-style-type: none"> <li>• On Friday, July 27, 2018 at about 0720 hours, Officer Nicholas Hyman violated the Shelby County Sheriff Department Use of Force Policy.</li> <li>• Officer Hyman was observed on surveillance footage using his department issued Freeze Plus P chemical agent to spray an inmate that was secured behind his cell door.</li> <li>• Officer Hyman was not in in harms' way because the inmate was secured.</li> </ul> <p><b>SOR 102 UNSATISFACTORY PERFORMANCE</b></p> <p>An employee will maintain sufficient competency to properly perform assigned duties, and responsibilities of the position to which he/she is assigned.</p> <ul style="list-style-type: none"> <li>• Officer Hyman proper protocol for such situations is to contact a supervisor for refusal of staff orders and he/she will make arrangements for a C.I.T. officer to mediate the dispute.</li> </ul>	

10-31-Side  
M/T

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>				Case #:	
<b>Disciplinary Action Form</b>				<b>SI2018-508</b>	
<b>(Use Black Ink Only)</b>					
<p><i>The appropriate supervisor must complete this form when employee disciplinary action occurs. A detailed description and support documentation of the infraction must be included / attached. The supervisor and manager should sign the form and if possible, the appointing authority should review the form before counseling with the employee takes place. The supervisor will review form content and expected improvement/s with the employee who must sign the form to indicate his/her awareness of the action taken. The employee may include comments and must receive a copy of the form and any attachments. Forward the completed form to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) days after the disciplinary action takes place.</i></p>					
Employee Name: (First/Last Name)	<b>Kenneth Faulkner</b>	S- 6038	ID#:	<b>9438</b>	Date Served: <b>11/21/2018</b>
Job Classification:	<b>Corrections Deputy</b>	Dept: <b>SCSO Jail Division</b>			
Type/Extent of Disciplinary Action:	<b>Three (3) days suspension without pay/ EAP referral anger management</b>				
<b>Reason/s for Disciplinary Action – Standard Operating Rule Violations:</b>					
<b>SOR 301 EXCESSIVE FORCE</b>					
(If necessary attach additional documentation)					
Describe the incident completely listing date, time place, and person(s) involved:					
<b>See attached Disciplinary Action Form Addendum, Page 2</b>					
Expected Improvement: <b>Officer Faulkner S#6038 is expected to remain professional and courteous at all times. He is also expected to follow all rules and regulations of the Shelby County Sheriff's Office.</b>					
Has employee been disciplined previously for the same type of infraction?		Yes	<input checked="" type="checkbox"/>	No	Date: <b>6/5/2018</b>
Supervisors Title/Signature:				Date: <b>10/16/18</b>	
Manager's Title/Signature:				Date: <b>10/16/18</b>	
Appointing Authority's Title/Signature:					Date:
Employee's Comments:					
Employee's Signature:  6038					Date: <b>11/21/2018</b>
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative grievance procedure.</b></p>					
Explain absence of employee's signature:					
Supervisor's Signature:				Date:	
Witness' Signature: (If applicable)				Date:	

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
Copy to Employee with applicable attachments

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>	
Employee: <b>Kenneth Faulkner</b>	Department: <b>SCSO Jail Division</b>
<p>On Wednesday, October 3, 2018 at 0642 hours, I heard commotion coming from fifth floor Alpha pod. Upon arrival I observed Officer Kenneth Faulkner S#6038 escorting Inmate Meco Hampton booking number 18121358, into the fifth floor hallway. Inmate Hampton appeared to be upset. He was crying and telling Officer Faulkner "you didn't have to put your hands on me". Officer Faulkner informed me that Inmate Hampton threatened him and refused to lockdown. Surveillance footage was reviewed. Surveillance footage showed Officer Faulkner pushing Inmate Hampton a total of seven times during this incident. Surveillance footage did not show Inmate Hampton displaying any aggressive behavior during the time of incident. Officer Faulkner never informed me that he was having any issue with Inmate Hampton. Officer Faulkner was asked to submit a memo.</p> <p><b>SOR. 301 EXCESSIVE FORCE A</b></p> <p>An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <ul style="list-style-type: none"> <li>• Surveillance footage showed Officer Faulkner pushing Inmate Hampton a total of seven times during this incident.</li> <li>• Surveillance footage did not show Inmate Hampton displaying any aggressive behavior during the time of incident.</li> <li>• . Officer Faulkner never informed me that he was having any issues with Inmate Hampton.</li> </ul> <p><b>As referenced in the Memorandum Of Understanding (MOU) between AFSCME and the Sheriff's Office Article 7, Section 7, Subsection: (F) Acts of misconduct while on duty.</b></p>	



<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Pre-Disciplinary Hearing Notice</b> <b>(Use Black Ink Only)</b>			
Employee Name/Rank: <small>(First/Last Name)</small>	<b>Kenneth Faulkner C/D</b>	S#: <b>6038</b>	Case#: <b>SI2018-508</b>
Unit/Section/ Department:	<b>SCSO Jail Division</b>	Charging/Investigating Officer/Supervisor:	<b>Sergeant A. Reed S# 4243</b>
Date of Policy Violation: <b>On October 3, 2018</b>			
Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule/s:	<b>SOR 301 EXCESSIVE FORCE</b>		
Summary of Investigation:			
<b>See attached Pre-Disciplinary Hearing Notice Addendum, Page 2</b>			
Scheduled Hearing Day, Date, Time & Location:			
I acknowledge receipt of this notification:			
	<small>Signature:</small>	<small>Date:</small>	<small>Time:</small>
Notifying Officer/Supervisor/ Disciplinary Review Rep.			
	<small>Signature:</small>	<small>Date:</small>	<small>Time:</small>
Employee's Initials & Date	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge/s. You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.		
Hearing Results/Recommendations:			
Date:	Hearing Officer:		

Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline	
On <u>11/21/2018</u>	the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to <span style="border: 1px solid black; padding: 2px;"><b>Three (3) days suspension without pay</b></span>
Employee Signature: <u><i>Kenneth Faulkner</i></u>	Witness Signature: <u><i>[Signature]</i></u>
Date: <u>11-21-2018</u>	Date: <u>11/21/2018</u>

Original with any attachments to SCSO B.P.S.I. Disciplinary Review Section with the original Disciplinary Action Form  
Copy with applicable attachments to Employee with copy of the Disciplinary Action Form

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Pre-Disciplinary Hearing Notice Addendum</b> <b>(Use Black Ink Only)</b>	
Employee: <b>Kenneth Faulkner S# 6038</b>	Department: <b>SCSO Jail Division</b>
<p>On Wednesday, October 3, 2018 at 0642 hours, I heard commotion coming from fifth floor Alpha pod. Upon arrival I observed Officer Kenneth Faulkner S#6038 escorting Inmate Meco Hampton booking number 18121358, into the fifth floor hallway. Inmate Hampton appeared to be upset. He was crying and telling Officer Faulkner "you didn't have to put your hands on me". Officer Faulkner informed me that Inmate Hampton threatened him and refused to lockdown. Surveillance footage was reviewed. Surveillance footage showed Officer Faulkner pushing Inmate Hampton a total of seven times during this incident. Surveillance footage did not show Inmate Hampton displaying any aggressive behavior during the time of incident. Officer Faulkner never informed me that he was having any issue with Inmate Hampton. Officer Faulkner was asked to submit a memo.</p> <p><b>SOR. 301 EXCESSIVE FORCE</b></p> <p>An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <ul style="list-style-type: none"> <li>• Surveillance footage showed Officer Faulkner pushing Inmate Hampton a total of seven times during this incident.</li> <li>• Surveillance footage did not show Inmate Hampton displaying any aggressive behavior during the time of incident.</li> <li>• Officer Faulkner never informed me that he was having any issues with Inmate Hampton.</li> </ul> <p><b>As referenced in the Memorandum Of Understanding (MOU) between AFSCME and the Sheriff's Office Article 7, Section 7, Subsection: (F) Acts of misconduct while on duty.</b></p>	

SEE  
PIS

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>SI2018-545</b>
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*The appropriate supervisor must complete this form when employee disciplinary action occurs. A detailed description and support documentation of the infraction must be included/attached. The supervisor and manager should sign the form and if possible, the appointing authority should review the form before counseling with the employee takes place. The supervisor will review form content and expected improvement/s with the employee who must sign the form to indicate his/her awareness of the action taken. The employee may include comments and must receive a copy of the form and any attachments. Forward the completed form to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) days after the disciplinary action takes place.*

<b>Employee Name:</b> <small>(First/Last Name)</small> <b>Pierre Finnie</b>	<b>s#</b> <b>9388</b>	<b>ID#:</b>	<b>Date Served:</b> <b>11-5-2018</b>
<b>Job Classification:</b> <b>Corrections Deputy</b>		<b>Dept:</b> <b>SCSO Jail East Division</b>	
<b>Type/Extent of Disciplinary Action:</b> <b>Three (3) days suspension without pay</b>			

**Reason/s for Disciplinary Action – Standard Operating Rule Violations:**

**SOR 301 EXCESSIVE FORCE**

(If necessary attach additional documentation)

**SEE ATTACHED DISCIPLINARY ACTION FORM ADDENDUM, PAGE 2**

**Expected Improvement: Officer Finnie shall stop to access situation before engage and he will implement the Shelby County Jail Use of Force Continuum.**

Has employee been disciplined previously for the same type of infraction?	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>	<b>Date:</b>
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Supervisors Title/Signature: <i>Sgt. J. H. Walker</i>	Date: <i>11/02/2018</i>
Manager's Title/Signature: <i>C. J. [unclear]</i>	Date: <i>11/02/2018</i>
Appointing Authority's Title/Signature:	Date:

**Employee's Comments:**

Employee's Signature: <i>Pierre Finnie</i>	Date: <i>11-5-18</i>
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**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative grievance procedure.**

<b>Explain absence of employee's signature:</b>	
Supervisor's Signature:	Date:
Witness' Signature: <small>(If applicable)</small>	Date:

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
Copy to Employee with applicable attachments

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>	
Employee: <p style="text-align: center;"><b>Pierre Finnie</b></p>	Department: <p style="text-align: center;"><b>SCSO Jail Division</b></p>
<p>On Friday, October 19, 2018 at 1910 hours, Officer Pierre Finnie S#9388 was assigned to C pod security. He responded to a loud disturbance taking place on the Northside Hallway. Officer Finnie approached an Inmate who was jolting and kicking on the floor while secured in full restraints. Inmate Finnie pulled on the Inmate jumpsuits collar to place him on his back. Next, Officer Finnie gave the Inmate three verbal commands to stop kicking and jolting on the floor and to stand up. The Inmate failed to comply and Officer Finnie deployed one burst of Freeze Plus P to the inmate's facial area. In addition, the inmate suffered from a cut to his upper lip and a bump on his forehead. The surveillance footage of this incident was reviewed and burned. Officer Finnie use of chemical agent was found to be excessive. Officer Finnie failed to assess the situation and implement the Jail's Use of Force Continuum. At the time of this incident, the detainee actions were passive low level resistance. Therefore, there was a reasonable time for the sergeant on duty to implement a plan of action.</p> <p><b>SOR 301 EXCESSIVE FORCE</b></p> <p>A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <p>B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.</p> <p>C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)</p> <p>D. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.</p> <ul style="list-style-type: none"> <li>• Officer Finnie use needless force in performing his duty.</li> <li>• Officer Finnie did not use reasonable alternative before deploying freeze plus.</li> <li>• Officer Finnie fail to maintain self-control in completing his duty.</li> </ul>	

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
 (Use Black Ink Only)

Employee Name/Rank: (First/Last Name)	<b>Pierre Finnie C/D</b>	S#:	<b>9388</b>	Case#:	<b>SI2018-545</b>
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Unit/Section/ Department:	<b>SCSO Jail East Division</b>	Charging/Investigating Officer/Supervisor:	<b>Sergeant T. Halliburton</b>
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Date of Policy Violation: **Friday, October 19, 2018**

07 Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule/s:	<b>SOR 301 EXCESSIVE FORCE</b>
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Summary of Investigation:

**See attached Pre-Disciplinary Hearing Notice Addendum, page 2**

Scheduled Hearing Day, Date, Time & Location:

I acknowledge receipt of this notification:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Notifying Officer/Supervisor/  
Disciplinary Review Rep.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Employee's Initials & Date	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge/s. You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.
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Hearing Results/Recommendations:

Date: \_\_\_\_\_ Hearing Officer: \_\_\_\_\_

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On 11-5-2018 the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to Three (3) days suspension without pay

Employee Signature: Pierre Finnie      Witness Signature: M. Powell & J. S. Stimpney

Date: 11-5-2018      Date: 11/5/2018      11-5-2018

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Pre-Disciplinary Hearing Notice Addendum</b> <b>(Use Black Ink Only)</b>	
Employee: <b>Pierre Finnie</b>	Department: <b>SCSO Jail Division</b>
<p>On Friday, October 19, 2018 at 1910 hours, Officer Pierre Finnie S#9388 was assigned to C pod security. He responded to a loud disturbance taking place on the Northside Hallway. Officer Finnie approached an Inmate who was jolting and kicking on the floor while secured in full restraints. Inmate Finnie pulled on the Inmate jumpsuits collar to place him on his back. Next, Officer Finnie gave the Inmate three verbal commands to stop kicking and jolting on the floor and to stand up. The Inmate failed to comply and Officer Finnie deployed one burst of Freeze Plus P to the inmate's facial area. In addition, the inmate suffered from a cut to his upper lip and a bump on his forehead. The surveillance footage of this incident was reviewed and burned. Officer Finnie use of chemical agent was found to be excessive. Officer Finnie failed to assess the situation and implement the Jail's Use of Force Continuum. At the time of this incident, the detainee actions were passive low level resistance. Therefore, there was a reasonable time for the sergeant on duty to implement a plan of action.</p> <p><b>SOR 301 EXCESSIVE FORCE</b></p> <p>A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <p>B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.</p> <p>C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)</p> <p>D. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.</p> <ul style="list-style-type: none"> <li>• Officer Finnie use needless force in performing his duty.</li> <li>• Officer Finnie did not use reasonable alternative before deploying freeze plus.</li> <li>• Officer Finnie fail to maintain self-control in completing his duty.</li> </ul>	

300.05 Pre-Disciplinary Hearing Form Addendum

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>SI2018-565</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

<b>Employee Name:</b> <small>(First/Last Name)</small> <b>Katisha Walker</b>	<b>s#</b> <b>9740</b>	<b>Employee#:</b> <b>18768</b>	<b>Date Served:</b> <b>11/29/2018</b>
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<b>Job Classification/Rank:</b> <b>Corrections Deputy</b>	<b>Unit/Section/Bureau:</b> <b>SCSO Jail Division</b>
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**Type/Extent of Disciplinary Action:** **Written Reprimand**

**Standard Operating Rule Violation(s):**

**SOR 301 EXCESSIVE FORCE**

Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):

**See Disciplinary Action Form Addendum, page 2**

**Expected Improvement:**  
**Employee is expected to follow all policies and procedures that govern the Shelby County Jail Facility.**

Has employee been disciplined previously for the same type of infraction?	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>	<b>Date:</b>
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Supervisor's Title/Signature: <i>[Signature]</i>	Date: <b>11/27/18</b>
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Manager's Title/Signature: <i>[Signature]</i>	Date: <b>11/27/18</b>
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Appointing Authority's Title/Signature:	Date:
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Employee's Comments:

Employee's Signature: <i>[Signature]</i>	Date: <b>2018/11/29</b>
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**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

Explain absence of employee's signature:	Date:
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Manager/Supervisor's Signature:	Date:
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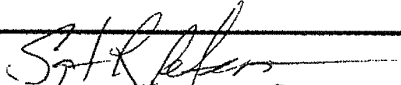
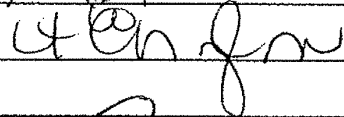
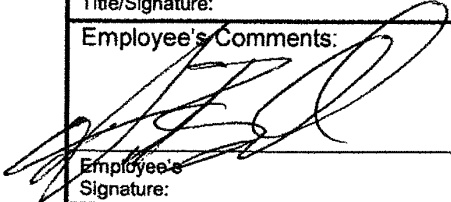
Witness' Signature: (If applicable)	Date:
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Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
Copy to Employee with applicable attachments  
300.06 Disciplinary Action Form

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <i>(Use Black Ink Only)</i>				
Employee Name: <small>(First/Last Name)</small>	<b>Katisha Walker</b>	<table style="width: 100%; border: none;"> <tr> <td style="width: 30%; border: none;">                             S#: <b>9740</b>                              Emp# 18768                         </td> <td style="width: 70%; border: none;">                             Case#: <b>SI2018-565</b> </td> </tr> </table>	S#: <b>9740</b> Emp# 18768	Case#: <b>SI2018-565</b>
S#: <b>9740</b> Emp# 18768	Case#: <b>SI2018-565</b>			
<p>On October 18, 2018 at 0813 hours, in Fourth Floor L-Pod, Officer Katisha Walker S#9740 had 22 cell door rolled open and stopped at the cell. Inmate Kelvin Collins Booking number 18109679 came out the cell; Officer Walker exchanged words with Inmate Collins standing facing each other. Officer Walker pushes Inmate Collins in his chest; Officer Walker pushes Inmate Collins again in his chest. I reviewed the surveillance video.</p> <p><b>SOR 301 EXCESSIVE FORCE</b></p> <p>A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <p>B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.</p> <p>C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)</p> <p>D. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.</p> <ul style="list-style-type: none"> <li>• Officer K. Walker pushed Inmate Kelvin Collins booking number 18109679 in his chest on two separate times.</li> <li>• Officer K. Walker used force that was not required.</li> </ul>				



checklist  
12-11-18  
A  
-F

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>				<b>Case #:</b> <b>SI2018-576</b>	
<p><i>The appropriate supervisor must complete this form when employee disciplinary action occurs. A detailed description and support documentation of the infraction must be included/attached. The supervisor and manager should sign the form and if possible, the appointing authority should review the form before counseling with the employee takes place. The supervisor will review form content and expected improvement/s with the employee who must sign the form to indicate his/her awareness of the action taken. The employee may include comments and must receive a copy of the form and any attachments. Forward the completed form to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) days after the disciplinary action takes place.</i></p>					
<b>Employee Name:</b> <small>(First/Last Name)</small>		<b>Andre Bardwell</b>	<b>S#4370</b>	<b>ID#:</b>	<b>5540</b>
				<b>Date Served:</b>	<b>1-7-19</b>
<b>Job Classification:</b>			<b>Corrections Deputy</b>		
			<b>Dept:</b>	<b>SCSO Jail Division</b>	
<b>Type/Extent of Disciplinary Action:</b>					
<b>Oral Reprimand</b>					
<b>Reason/s for Disciplinary Action – Standard Operating Rule Violations:</b>					
<b>SOR 301 Excessive Force</b> <b>SOR102 Unsatisfactory performance</b>					
<small>(If necessary attach additional documentation)</small>					
<b>See attached Disciplinary Action Form addendum, page 2</b>					
<b>Expected Improvement:</b>					
<b>Officer Bardwell is expected to follow protocol, call for a supervisor or C.I.T. officer.</b>					
				<b>Yes</b>	<input checked="" type="checkbox"/>
				<b>No</b>	<input type="checkbox"/>
				<b>Date:</b>	<b>5/5/2014</b>
<b>Supervisors Title/Signature:</b>				<b>Date:</b>	
		<b>7047</b>		<b>6</b>	
<b>Manager's Title/Signature:</b>				<b>Date:</b>	
				<b>11/27/18</b>	
<b>Appointing Authority's Title/Signature:</b>				<b>Date:</b>	
<b>Employee's Comments:</b>					
					
<b>Employee's Signature:</b>				<b>Date:</b>	
				<b>1-7-19</b>	
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative grievance procedure.</b></p>					
<b>Explain absence of employee's signature:</b>					
<b>Supervisor's Signature:</b>				<b>Date:</b>	
<b>Witness' Signature:</b> <small>(If applicable)</small>				<b>Date:</b>	

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
 (Use Black Ink Only)

Employee:  
**Andre Bardwell**

**SCSO Jail Division**

On November 06, 2018 at 0745 hours, Officer Andre Bardwell S#4370 was seen on surveillance footage, spraying into an open cell security flap with his chemical agent, assaulting an inmate with the chemical agent. Officer Bardwell was not in harm's way nor was there a threat to anyone else. Officer Bardwell stated that Inmate Gregory Bradford Booking Number 18119597 refused to remove his arm out of the flap after he received his tray. He stated he gave Inmate Bradford several directives to remove his arm and he didn't comply. Officer Bardwell should have called for a supervisor in order to request a C.I.T. Officer. Therefore he is being written-up for his actions.

**SOR 301 EXCESSIVE FORCE:** (B) An employee will not use force against any person that is unprovoked, needless, or not required during the performance of his/her official duties. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted. An employee may not use force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances.

- On November 06, 2018, Officer Andre Bardwell was seen on surveillance footage, spraying into an open security flap with his chemical agent, assaulting an inmate with the chemical agent.
- Officer Bardwell was not in harms' way nor was there a threat to anyone else.
- Officer Bardwell stated that an inmate refused to comply with a directive to have his security flap closed.

**SOR 102 UNSATISFACTORY PERFORMANCE:** An employee will maintain sufficient competency to properly perform assigned duties, and responsibilities of the position to which he/she is assigned.

- Officer Bardwell should have called for a supervisor in order to request a C.I.T. officer.

5  
T.W.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>SI2018-594</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

<b>Employee Name:</b> <small>(First/Last Name)</small> <b>Terita Payne</b>	<b>s#</b> <b>9022</b>	<b>Employee#:</b>	<b>Date Served:</b> <i>12/28/2018</i>
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<b>Job Classification/Rank:</b> <b>Correction Deputy</b>	<b>Unit/Section/ Bureau:</b> <b>SCSO Jail Division</b>
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**Type/Extent of Disciplinary Action:** **Written Reprimand**

**Standard Operating Rule Violation(s):**

**SOR 301 EXCESSIVE FORCE**

**Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):**

**SEE ATTACHED DISCIPLINARY ACTION FORM ADDENDUM, PAGE 2**

**Expected Improvement: Officer Payne is expected to not use her Freeze + P spray unless other reasonable alternatives have been exhausted and according to policy.**

<b>Has employee been disciplined previously for the same type of infraction?</b>	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input checked="" type="checkbox"/>	<b>Date:</b>
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<b>Supervisor's Title/Signature:</b> <i>[Signature]</i>	<b>Date:</b> <i>12-11-18</i>
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<b>Manager's Title/Signature:</b> <i>[Signature]</i>	<b>Date:</b> <i>12/11/18</i>
--	------------------------------

<b>Appointing Authority's Title/Signature:</b>	<b>Date:</b>
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**Employee's Comments:**

<b>Employee's Signature:</b> <i>Terita Payne</i>	<b>Date:</b> <i>12-28-18</i>
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**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

<b>Explain absence of employee's signature:</b>	
<b>Manager/Supervisor's Signature:</b>	<b>Date:</b>
<b>Witness' Signature: (If applicable)</b>	<b>Date:</b>

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>			
Employee Name: <small>(First/Last Name)</small>	<b>Terita Payne</b>	S#:9022 Emp#	Case#: <b>SI2018-594</b>
<p>On Saturday, November 10, 2018 Grievance # 472541 was filed on Officer Terita Payne S#9022. The Grievance stated that Officer Payne sprayed inmate Marco Griggs booking number 18111676 while he was restrained by Officer Halliburton. Inmate Griggs also stated on the grievance that Officer Payne ran up to him and said "UaH Uh spray his ass". On November 10, 2018 a code blue was called for 3<sup>rd</sup> floor N-Pod. Officer Halliburton was escorting inmate Griggs out of the pod (inmate Griggs was not combative and per Officer Halliburton complying) when Officer Payne came up and sprayed both the inmate and Officer Halliburton. Lieutenant Davis and Sergeant Brooks viewed the incident in question which showed that Officer Halliburton had full control of inmate Griggs and inmate Griggs was complying (non-combative) when Officer Payne came up and sprayed both the inmate and officer with Freeze + P.</p> <p>Officer Payne is being written-up for Excessive Force and being referred for Disciplinary Actions.</p> <p><b>SOR 301 EXCESSIVE FORCE</b></p> <p>B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.</p> <ul style="list-style-type: none"> <li>• Officer Payne Sprayed inmate Griggs with Freeze +p but the inmate displayed no signs of physical aggression toward Officer Payne, staff or other inmates.</li> </ul>			

T. Payne



**Shelby County Sheriff's Office**

**Sheriff Floyd Bonner, Jr. 201 Poplar Avenue, Memphis, Tennessee 38103 (901)222-5500**

**Inmate Grievance Notification**

Date Given: November 19, 2018

From Grievance Department

To: W. S. Davis

Inmate Grievance Form #: 1912541

According to the Shelby County Sheriff's Office Policy #340 "Inmate Grievance Process", a written statement of a grievance must be received within five (5) calendar days of receipt of the grievance. A copy of the complaint is enclosed to remain in compliance with the policy.

**YOU HAVE THREE (3) DAYS IN WHICH TO RETURN YOUR REPLY IN ORDER FOR THIS DEPARTMENT TO OPERATE WITH THE SHERIFF'S POLICY GUIDELINES.**

Response Due Date: November 21, 2018

Be sure to include the grievance number on all corresponding response.

Thank you for your cooperation.

**GRIEVANCE COORDINATOR**



MISSION: We, the Shelby County Criminal Justice Center, will by employing sound correction practices, provide a safe and humane environment for both staff and inmates in which public safety is emphasized and integrity in words and actions is practiced.

RECEIVED NOV 19 AM 8:02

G- 472541

**SHELBY COUNTY SHERIFF'S OFFICE  
JAIL DIVISION  
INMATE GRIEVANCE FORM**

INMATE'S NAME: (Print name) <b>██████████ Marco Griggs</b>		R&I NUMBER <b>358867</b>	BOOKING # <b>1811676</b>
<input checked="" type="checkbox"/> LINE GRIEVANCE Use if not medical, confidential or emergency. Medical co-pay issues are line grievances.		<input type="checkbox"/> MEDICAL GRIEVANCE Use if you feel that there was lack of medical care inadequate medical care of improper medical care and it is not an emergency.	<input checked="" type="checkbox"/> CONFIDENTIAL Use if you feel a member of the jail staff has committed a criminal or illegal act.
		HOUSING UNIT: <b>3N 2 cell</b>	DATE OF OCCURRENCE <b>11-10-18</b>
			<input type="checkbox"/> EMERGENCY Use if there is immediate threat or bodily harm to inmate or jail staff or there is threat of disruption to jail.
GRIEVANCE STATEMENT: Provide specific information regarding issue. Specify dates, personnel involved, etc. <b>On November 10<sup>th</sup> 2018 during the 6M-2PM shift I was involved in an altercation with another inmate inside my cell. Officer Halliburton restrained me in handcuffs and escorted me into the hallway. Upon entering the hallway Officer Payne ran up and stated "Uh, Uh spray his ass" then proceeded to mace me although I was calm and composed. In the fight I only defended myself and when I was maced I was not verbally or physically out of compliance.</b>			
INMATE'S SIGNATURE <b>Marco Griggs</b>		TODAY'S DATE: <b>11-15-18</b>	
FOR OFFICIAL USE ONLY BELOW THIS LINE			
DATE RECEIVED: <b>11/19/18</b>		COORDINATOR: <b>Wines</b>	
DISPOSITION CODE: <b>G</b>		DATE: <b>11-19-18</b>	
<b>G - GRIEVABLE:</b> Meets policy requirements to be investigated.			
<b>N - NONGRIEVABLE:</b> Does not meet policy requirements to be investigated.			
REASON:    			



***Shelby County Sheriffs Office  
Floyd Bonner Jr., Sheriff  
201 Poplar Avenue Memphis, TN 38103  
(901) 222-5500***

**Interoffice Memo**

**To:** Sergeant J. Brooks  
**From:** Officer T. Halliburton S#9574  
**Date:** 11/21/2018  
**Subject:** Incident Number 181110057

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This memo is regarding the incident that took place on 11-10-2018 on the third floor in November Pod.

An altercation occurred between two inmates; Marco Mantreese Griggs booking number 18111676 and Spencer Brown booking number 18121111. I secured inmate Marco Griggs booking number 18111676 and escorted him into the hallway. As I was escorting inmate Griggs Officer T. Payne S#9022 came up behind me and sprayed inmate Griggs and myself with a burst of freeze + P. I then continued to escort inmate Griggs to the wall and Officer Isom came and assisted me by putting handcuffs on inmate Griggs.

Respectfully submitted

*T. Halliburton S#9574*

Officer T. Halliburton S#9574



## *Shelby County Sheriff's Office*

*Bill Oldham, Sheriff 201 Poplar Av. Memphis, TN 38103  
(901) 222-5500*

December 10, 2019

Frederick McCloud  
201 Poplar Avenue  
Memphis, Tennessee 38103

**RE: Hearing Results A12019-035**

Dear Officer Frederick McCloud

On Tuesday, December 10, 2019, Administrative Pre-Disciplinary Hearing was convened to hear the above captioned case. I was present as Chief Kirk Field's designee. The case was generated from possible violations of the Shelby County Sheriff's Office, Standards of Operating Rules and Regulations.

**SOR 104 Personal Conduct**

**SOR 105 Adherence to Law**

**SOR 108 Truthfulness**


**SOR 301 Excessive Force**

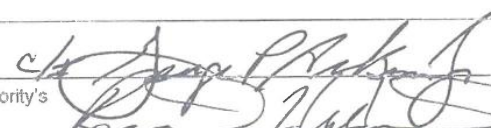


As Chief Kirk Field's designee, I was present for evaluating the validity of the aforementioned charges. I have carefully considered and reviewed all documentation presented to me in reference to your pre-disciplinary hearings. On today you were given an opportunity to speak openly concerning the charges against you listed above. After listening to your statement today and had already reviewed all other documents in your case, your actions were in violation of the Shelby County Sheriff's Office policies and procedures; therefore, I am recommending **Termination**.

Respectfully,

  
Chief Inspector Sandlin



Received by:   
Date: 12-18-19

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>				<b>Case #:</b>	
<b>Disciplinary Action Form</b>				<b>AI 2019-035</b>	
<b>(Use Black Ink Only)</b>					
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>					
Employee Name: <small>(First/Last Name)</small>		Frederick McCloud	S# 10610	Emp.#: 21834	Date Served:
Job Classification/Rank:			Unit/Section/Bureau:		
Corrections Deputy			SCSO Jail		
Type/Extent of Disciplinary Action:		Termination			
Standard Operating Rule Violation(s):					
SOR 104 Personal Conduct SOR 105 Adherence to Law SOR 108 Truthfulness SOR 301 Excessive Force					
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):					
See Disciplinary Action Form Addendum, page 2 & 3 See attached Hearing Result Letter					
Expected Improvement:					
Has employee been disciplined previously for the same type of infraction?					
		Yes	<input checked="" type="checkbox"/>	No	Date: 04/18/2019
Supervisor's Title/Signature:					Date:
Manager's Title/Signature: 					Date: 12/11/19
Appointing Authority's Title/Signature: 					Date: 12/11/19
Employee's Comments:					
Employee's Signature: 					Date: 12-12-19

**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeal procedure.**

Explain absence of employee's signature:	
Manager/Supervisor's Signature:	Date:
Witness' Signature: (If applicable)	Date:

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments  
 300.06 Disciplinary Action Form

Revised: 08/10/17

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee Name: <small>(First/Last Name)</small>	Frederick McCloud	S# 10610 Emp.# 21834	Case#: A12019-035
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On 08/20/2019, a case was opened based on an allegation of excessive force involving Shelby County Sheriff's Office (SCSO) Corrections Deputy Frederick McCloud, S-10610, currently assigned to the 2 p.m. to 10 p.m. shift. Offender Management System (OMS) report #19-0814-573, written by Corrections Deputy McCloud, details the following sequence of events. On 08/14/2019, at 1740 hours, while conducting feeding in 4<sup>th</sup> floor N pod, Corrections Deputy McCloud observed inmate Jeremy Fields, booking number 19115118, throw his entire tray in the trash can. Corrections Deputy McCloud instructed inmate Fields to retrieve his tray from the trash can. Inmate Fields reportedly told McCloud, "Fuck you nigga, it don't have shit to do with you! Mind your business before it be more than you can handle, I'm telling you mane!" McCloud informed inmate Fields that he was being locked down for the remainder of the shift. After a door roller closed Fields' cell door, McCloud said he was walking toward his desk to write a report when Fields threw urine at him, making contact with his eyes, face, and shirt. McCloud said he sprayed Fields with a two-second burst of Freeze Plus P when he observed Fields go back to his toilet to retrieve more urine to throw on him.

The facts, statements, and documents pertinent to this case indicate that Corrections Deputy Frederick McCloud S-10610, did violate the following Shelby County Sheriff's Office Policies and Procedures in effect at the time of the incident:

**SOR 104 Personal Conduct:**

The conduct of each employee, both on and off duty, is expected to be such that it will not reflect adversely on other employees, the SCSO, Shelby County, or the law enforcement profession. This regulation applies to both the on and off-duty conduct of all employees. It prohibits any and all conduct which is contrary to the letter and spirit of SCSO policy and procedure which would reflect adversely upon the SCSO or its employees. It includes not only all unlawful acts by employees but also acts which, although not unlawful in themselves, would violate the SCSO Policy# 106, Code of Ethics, and/or would degrade or bring disrespect upon the employee or the SCSO.

- On 08/14/2019, Corrections Deputy Fredrick McCloud exercised poor judgment by going to the 2<sup>nd</sup> floor medical department to confront inmate Jeremy Fields immediately after he was assaulted by Fields. This confrontation ended with Fields receiving substantial injuries and being sent to the emergency room for treatment. McCloud's actions were reckless and quite contrary to the letter and spirit of the SCSO.

**SOR 105 Adherence To Law:**

No employee will violate any Federal, State, County or Municipal criminal statute or ordinance, any statute, or ordinance involving moral turpitude, or any court order. An employee may be considered in violation of this section whether or not criminal proceedings are instituted. An arrest, indictment or information filed against an employee is sufficient for the SCSO to proceed with administrative action against the employee. Administrative action against an employee may proceed even if a criminal action is dismissed or "nolle prossed" or the employee is acquitted, if the actions of the employee are otherwise in violation of other SCSO SORs, policies and procedures.

- On 08/14/2019, Corrections Deputy Fredrick McCloud accosted inmate Jeremy Fields, while he was handcuffed and assaulted him in a vicious and retaliatory manner. This assault resulted in inmate Fields receiving significant head injuries and required treatment at the emergency room. McCloud's actions clearly violated SCSO policy and procedures and will not be tolerated.
- On 11/13/2019, The State of Tennessee Grand Jury indicted Fredrick McCloud on (1) count of Official Misconduct (T.C.A. 39-16-402) (Felony) and (1) count of Aggravated Assault (T.C.A. 39-13-102) (Felony). On 11/14/2019, McCloud was arrested and transported to the Shelby County Jail, where he was released after posting bond.

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee Name: (First/Last Name)	Frederick McCloud	S# 10610 Emp.# 21834	Case#: AI2019-035
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**SOR 108 TRUTHFULNESS**

An employee will not give any information, either oral or written, in connection with any assignment or investigation, or give testimony that is knowingly incorrect, false, or deceitful except in the lawful performance of assigned duties such as lawful, documented, authorized undercover activity. This includes a prohibition against deliberate or intentional omissions or misrepresentations of material fact. Employees will not make false reports either verbally or in writing.

- On 08/14/2019, McCloud denied having any physical contact with Fields when Sergeant Buford questioned him about the incident.
- On 09/10/2019, Corrections Deputy McCloud knowingly gave false information to BPSI Detective Nadia during his administrative interview. During the interview, McCloud stated that he did not observe inmate Fields bleeding during the incident. McCloud added that he didn't even see one drop of blood. DRT Hale's statement clearly contradicts McCloud's. According to Hale, and several others, the room was covered with blood when he returned to the room and found McCloud assaulting Fields.

**SOR 301 Excessive Force:**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Policies #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

- On 08/14/2019, Corrections Deputy Fredrick McCloud used unnecessary and excessive force against inmate Jeremy Fields while he was handcuffed in the 2<sup>nd</sup> floor medical department. McCloud went to the 2<sup>nd</sup> floor medical without any prior authorization to do so. McCloud's actions caused substantial injuries to inmate Fields' head and wrists. McCloud's actions also proved to be a gross violation of several SCSO policies and procedures.



## *Shelby County Sheriff's Office*

*Bill Oldham, Sheriff 201 Poplar Av. Memphis, TN 38103  
(901) 222-5500*

December 10, 2019

Frederick McCloud  
201 Poplar Avenue  
Memphis, Tennessee 38103

**RE: Hearing Results A12019-035**

Dear Officer Frederick McCloud

On Tuesday, December 10, 2019, Administrative Pre-Disciplinary Hearing was convened to hear the above captioned case. I was present as Chief Kirk Field's designee. The case was generated from possible violations of the Shelby County Sheriff's Office, Standards of Operating Rules and Regulations.

**SOR 104 Personal Conduct**

**SOR 105 Adherence to Law**

**SOR 108 Truthfulness**


**SOR 301 Excessive Force**

As Chief Kirk Field's designee, I was present for evaluating the validity of the aforementioned charges. I have carefully considered and reviewed all documentation presented to me in reference to your pre-disciplinary hearings. On today you were given an opportunity to speak openly concerning the charges against you listed above. After listening to your statement today and had already reviewed all other documents in your case, your actions were in violation of the Shelby County Sheriff's Office policies and procedures; therefore, I am recommending **Termination**.

Respectfully,

A handwritten signature in black ink that reads "C. J. Sandlin".

Chief Inspector Sandlin

Received by:   
Date: 12-18-19

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> (Use Black Ink Only)	<b>Case #:</b> <b>AI 2019-035</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

<b>Employee Name:</b> <small>(First/Last Name)</small>	Frederick McCloud	<b>S#</b> 10610	<b>Emp.#:</b> 21834	<b>Date Served:</b>
<b>Job Classification/Rank:</b>	Corrections Deputy	<b>Unit/Section/Bureau:</b> SCSO Jail		

<b>Type/Extent of Disciplinary Action:</b>	Termination
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<b>Standard Operating Rule Violation(s):</b>	SOR 104 Personal Conduct SOR 105 Adherence to Law SOR 108 Truthfulness SOR 301 Excessive Force
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<b>Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):</b>	See Disciplinary Action Form Addendum, page 2 & 3 See attached Hearing Result Letter
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<b>Expected Improvement:</b>	
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Has employee been disciplined previously for the same type of infraction?	Yes	<input checked="" type="checkbox"/>	No		<b>Date:</b> 04/18/2019
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<b>Supervisor's Title/Signature:</b>	<b>Date:</b>
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<b>Manager's Title/Signature:</b> 	<b>Date:</b> 12/11/19
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<b>Appointing Authority's Title/Signature:</b> 	<b>Date:</b> 12/11/19
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<b>Employee's Comments:</b>	
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<b>Employee's Signature:</b> 	<b>Date:</b> 12-12-19
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**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

<b>Explain absence of employee's signature:</b>	
<b>Manager/Supervisor's Signature:</b>	<b>Date:</b>
<b>Witness' Signature: (If applicable)</b>	<b>Date:</b>

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee Name: (First/Last Name)	Frederick McCloud	S# 10610 Emp.# 21834	Case#: A12019-035
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On 08/20/2019, a case was opened based on an allegation of excessive force involving Shelby County Sheriff's Office (SCSO) Corrections Deputy Frederick McCloud, S-10610, currently assigned to the 2 p.m. to 10 p.m. shift. Offender Management System (OMS) report #19-0814-573, written by Corrections Deputy McCloud, details the following sequence of events. On 08/14/2019, at 1740 hours, while conducting feeding in 4<sup>th</sup> floor N pod, Corrections Deputy McCloud observed inmate Jeremy Fields, booking number 19115118, throw his entire tray in the trash can. Corrections Deputy McCloud instructed inmate Fields to retrieve his tray from the trash can. Inmate Fields reportedly told McCloud, "Fuck you nigga, it don't have shit to do with you! Mind your business before it be more than you can handle, I'm telling you mane!" McCloud informed inmate Fields that he was being locked down for the remainder of the shift. After a door roller closed Fields' cell door, McCloud said he was walking toward his desk to write a report when Fields threw urine at him, making contact with his eyes, face, and shirt. McCloud said he sprayed Fields with a two-second burst of Freeze Plus P when he observed Fields go back to his toilet to retrieve more urine to throw on him.

The facts, statements, and documents pertinent to this case indicate that Corrections Deputy Frederick McCloud S-10610, did violate the following Shelby County Sheriff's Office Policies and Procedures in effect at the time of the incident:

**SOR 104 Personal Conduct:**

The conduct of each employee, both on and off duty, is expected to be such that it will not reflect adversely on other employees, the SCSO, Shelby County, or the law enforcement profession. This regulation applies to both the on and off-duty conduct of all employees. It prohibits any and all conduct which is contrary to the letter and spirit of SCSO policy and procedure which would reflect adversely upon the SCSO or its employees. It includes not only all unlawful acts by employees but also acts which, although not unlawful in themselves, would violate the SCSO Policy# 106, Code of Ethics, and/or would degrade or bring disrespect upon the employee or the SCSO.

- On 08/14/2019, Corrections Deputy Fredrick McCloud exercised poor judgment by going to the 2<sup>nd</sup> floor medical department to confront inmate Jeremy Fields immediately after he was assaulted by Fields. This confrontation ended with Fields receiving substantial injuries and being sent to the emergency room for treatment. McCloud's actions were reckless and quite contrary to the letter and spirit of the SCSO.

**SOR 105 Adherence To Law:**

No employee will violate any Federal, State, County or Municipal criminal statute or ordinance, any statute, or ordinance involving moral turpitude, or any court order. An employee may be considered in violation of this section whether or not criminal proceedings are instituted. An arrest, indictment or information filed against an employee is sufficient for the SCSO to proceed with administrative action against the employee. Administrative action against an employee may proceed even if a criminal action is dismissed or "nolle prossed" or the employee is acquitted, if the actions of the employee are otherwise in violation of other SCSO SORs, policies and procedures.

- On 08/14/2019, Corrections Deputy Fredrick McCloud accosted inmate Jeremy Fields, while he was handcuffed and assaulted him in a vicious and retaliatory manner. This assault resulted in inmate Fields receiving significant head injuries and required treatment at the emergency room. McCloud's actions clearly violated SCSO policy and procedures and will not be tolerated.
- On 11/13/2019, The State of Tennessee Grand Jury indicted Fredrick McCloud on (1) count of Official Misconduct (T.C.A. 39-16-402) (Felony) and (1) count of Aggravated Assault (T.C.A. 39-13-102) (Felony). On 11/14/2019, McCloud was arrested and transported to the Shelby County Jail, where he was released after posting bond.



**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee Name: (First/Last Name)	Frederick McCloud	S# 10610 Emp.# 21834	Case#: AI2019-035
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**SOR 103 TRUTHFULNESS**

An employee will not give any information, either oral or written, in connection with any assignment or investigation, or give testimony that is knowingly incorrect, false, or deceitful except in the lawful performance of assigned duties such as lawful, documented, authorized undercover activity. This includes a prohibition against deliberate or intentional omissions or misrepresentations of material fact. Employees will not make false reports either verbally or in writing.

- On 08/14/2019, McCloud denied having any physical contact with Fields when Sergeant Buford questioned him about the incident.
- On 09/10/2019, Corrections Deputy McCloud knowingly gave false information to BPSI Detective Nadia during his administrative interview. During the interview, McCloud stated that he did not observe inmate Fields bleeding during the incident. McCloud added that he didn't even see one drop of blood. DRT Hale's statement clearly contradicts McCloud's. According to Hale, and several others, the room was covered with blood when he returned to the room and found McCloud assaulting Fields.

**SOR 301 Excessive Force:**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail -- Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

- On 08/14/2019, Corrections Deputy Fredrick McCloud used unnecessary and excessive force against inmate Jeremy Fields while he was handcuffed in the 2<sup>nd</sup> floor medical department. McCloud went to the 2<sup>nd</sup> floor medical without any prior authorization to do so. McCloud's actions caused substantial injuries to inmate Fields' head and wrists. McCloud's actions also proved to be a gross violation of several SCSO policies and procedures.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>				Case #:	
<b>Disciplinary Action Form</b>				<b>AI 2019-050</b>	
(Use Black Ink Only)					
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>					
Employee Name: <small>(First/Last Name)</small>		Cleosha Lee		S# 10634	
				Emp.#: 21633	
				Date Served: 1-28-2020	
Job Classification/Rank:			Corrections Deputy		
			Unit/Section/Bureau: SCSO Jail East		
Type/Extent of Disciplinary Action: <b>Thirty (30) Day Suspension Without Pay</b>					
Standard Operating Rule Violation(s):					
SOR 104 Personal Conduct SOR 111 Disobedience of an Order SOR 301 Excessive Force					
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):					
See Disciplinary Action Form Addendum, page 2 & 3 See attached Hearing Result Letter					
Expected Improvement:					
Has employee been disciplined previously for the same type of infraction?					
		Yes		No	
				X	
Date:					
Supervisor's Title/Signature: <i>[Signature]</i>					
Date: 1-28-2020					
Manager's Title/Signature: <i>Lakeisha Muggle/Chief</i>					
Date: 1-28-20					
Appointing Authority's Title/Signature:					
Date:					
Employee's Comments:					
<i>Cleosha</i>					
Employee's Signature: <i>Cleosha Lee</i>					Date: 01/28/2020

Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.

Explain absence of employee's signature:	
Manager/Supervisor's Signature:	Date:
Witness' Signature: (If applicable)	Date:

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee Name: (First/Last Name)	Cleosha Lee	S# 10634 Emp.# 21833	Case#: AI2019-050
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On 11/04/2019, a case was opened based on allegations of excessive force and unsatisfactory performance involving Shelby County Sheriff's Office (SCSO) Corrections Deputy Cleosha Lee, S-10634, currently assigned to the 2 p.m. to 10 p.m. shift of the Jail East Women's Facility at 6201 Haley Road.

The facts, statements, and documents pertinent to this case indicate that **Corrections Deputy Cleosha Lee, S-10634**, did violate the following Shelby County Sheriff's Office Policies and Procedures in effect at the time of the incident:

**SOR 104 PERSONAL CONDUCT**

The conduct of each employee, both on and off duty, is expected to be such that it will not reflect adversely on other employees, the SCSO, Shelby County, or the law enforcement profession. This regulation applies to both the on and off-duty conduct of all employees. It prohibits any and all conduct which is contrary to the letter and spirit of SCSO policy and procedure which would reflect adversely upon the SCSO or its employees. It includes not only all unlawful acts by employees but also acts which, although not unlawful in themselves, would violate the SCSO Policy# 106, Code of Ethics, and/or would degrade or bring disrespect upon the employee or the SCSO.

- On 11/04/2019, Corrections Deputy Lee lost her composure and professionalism after being provoked by inmate Lurry. Lee aggressively refused verbal and physical attempts by her friend and coworker (Alamin) to stop her from confronting Lurry, who was irate at the time. Lee's anger invoked confrontation led to a physical altercation that could have been avoided.

**SOR 111 DISOBEDIENCE OF AN ORDER**

No employee will willfully disobey a lawful order or directive, either written or oral. This regulation prohibits disobedience by an employee of any lawful oral or written order or directive of a superior officer or employee or another employee of any rank or position who is relaying the order of a superior.

- On 11/04/2019, Corrections Deputy Lee exercised poor judgment and disobeyed a direct order from Sergeant Halliburton by confronting an irate inmate and attempting to impose a sanction. The confrontation led to an unnecessary physical altercation.

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee Name: (First/Last Name)	Cleosha Lee	S# 10634 Emp.# 21833	Case#: AI2019-050
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**SOR 301 EXCESSIVE FORCE**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

- On 11/04/2019, Corrections Deputy Lee jeopardized her safety as well as Officer Alamin's safety by confronting an irate inmate and engaging in an unnecessary physical altercation. Inmate Lurry did not pose an immediate threat to herself or others at the time of the incident.



## *Shelby County Sheriff's Office*

*Floyd Bonner Jr., Sheriff 201 Poplar Av. Memphis, TN 38103  
(901) 222-5500*

January 23, 2020



**Hand Delivered**

RE: Hearing Results AI2019-050

An Administrative Pre-Disciplinary Hearing was convened to hear case **AI2019-050** on Tuesday January 21, 2020. I was present as Chief Jailer K. Fields designee. Officer S. Young was present as your representative. The case was generated due to possible violations of the following Shelby County Sheriff's Office Standard Operating Rules and Regulations.

SOR 104 Personal Conduct  
SOR 111 Disobedience of an Order  
SOR 301 Excessive Force

I have carefully considered and reviewed all related information submitted by the Sheriff's Office Bureau of Professional Standards and Integrity. I have also carefully considered the information provided by you and your representative during this pre-disciplinary hearing.

On November 4, 2019 Officer Cleosha Lee S#10634 lost her composure and professionalism after being provoked by an inmate. Officer Lee refused numerous verbal warnings by Officer Alamin to stop her from confronting the inmate who was irate at the time. Officer Lee's anger invoked a confrontation which led to a physical altercation that could have been avoided. She jeopardized her safety as well as Officer Alamin's safety by confronting an irate inmate and engaging in an unnecessary altercation. The inmate did not pose an immediate threat to herself or others at the time of the incident. She also disobeyed a direct order from Sergeant Halliburton by confronting the irate inmate.

In your statement given on January 21, 2020 in your Administrative pre-disciplinary hearing, you made the following statement: "Everything that I put in my statement is pretty much just what I'm going with. I don't have anything additional to add. Officer Lee was referring to her statement she made to the Bureau of Professional Standards and Integrity.

**SC 00891**

I have carefully considered and reviewed all related information submitted in your case. Due to the facts concerning your actions, it is my determination that your discipline will be **30 days suspension without pay.**

As an employee of Shelby County Government you have the right to appeal this decision to the Civil Service Merit Board (CSMB). You have seven (7) days from the receipt of this notice to appeal the decision to Civil Service Merit Board (CSMB).

Respectfully

Takietha R. Tuggle Chief Inspector Jail East Administration

*Takietha R. Tuggle*

Continued:

RE: Hearing Results AI2019-050  
Ms. Cleosha Lee S#10634

Signature *Cleosha Lee*  
Date 01/28/2020  
Time Received 1411

Witness: *officer m. bowell*

3/27/19  
B  
5/19

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>			<b>Case #:</b> <b>SI2019-151</b>	
<p><i>The appropriate supervisor must complete this form when employee disciplinary action occurs. A detailed description and support documentation of the infraction must be included/attached. The supervisor and manager should sign the form and if possible, the appointing authority should review the form before counseling with the employee takes place. The supervisor will review form content and expected improvement/s with the employee who must sign the form to indicate his/her awareness of the action taken. The employee may include comments and must receive a copy of the form and any attachments. Forward the completed form to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) days after the disciplinary action takes place.</i></p>				
Employee Name: <small>(First/Last Name)</small>	<b>Damian Cooper</b>	s#10369	ID#: 20714	Date Served: <b>3/27/2019</b>
Job Classification:	<b>Corrections Deputy</b>	Dept:	<b>SCSO Jail Division</b>	
Type/Extent of Disciplinary Action:	<b>Oral Reprimand</b>			
Reason/s for Disciplinary Action – Standard Operating Rule Violations:				
<b>SOR 301 EXCESSIVE FORCE</b>				
(If necessary attach additional documentation)				
Describe the incident completely listing date, time place, and person(s) involved:				
<b>See attached Disciplinary Action Form addendum, page 2</b>				
Expected Improvement:				
Officer Cooper is expected to respond to verbal threats by calling for assistance to secure the inmate and relocate him from the area.				
Has employee been disciplined previously for the same type of infraction?				
Yes		No		Date:
<input checked="" type="checkbox"/>		<input type="checkbox"/>		
Supervisors Title/Signature:	<i>Sgt. J. Shutey</i> (with initials)			Date: <b>3-27-19</b>
Manager's Title/Signature:	<i>J. Mitchell</i>			Date: <b>3-27-2019</b>
Appointing Authority's Title/Signature:				Date:
Employee's Comments:				
<i>Refused to sign</i>				
Employee's Signature:				Date: <b>3/27/2019</b>
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative grievance procedure.</b></p>				
Explain absence of employee's signature:				
Supervisor's Signature:				Date:
Witness' Signature: (if applicable)				Date:

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee:

**Damian Cooper**

Department:

**SCSO Jail Division**

On February 25, 2019 at 1735 hours, I responded to a code blue inmate/officer altercation, which occurred in the 6-B-Pod dayroom, involving Officer Damian Cooper S#10369 and inmate Derron Pegues booking number 19102878. While viewing surveillance, I observed the following: Inmate Pegues walked toward the officer's desk. Officer Cooper stood to his feet and another inmate stood between them with his hands held out, as if to keep them apart. Inmate Pegues remained about six to eight feet away from Officer Cooper, and still behind the taped security line on the floor in front of the officer's desk. When the inmate standing between them walked away, inmate Pegues began backing up with his hands down at his side as Officer Cooper began walking toward him. Officer Cooper then reached for his chemical agent and inmate Pegues began to turn away. Officer Cooper then reached around inmate Pegues' head to spray him in the face. Inmate Pegues, now facing the opposite direction, appeared to begin reacting to the chemical agent, holding his face. Officer Cooper then grabbed the back of inmate Pegues' hair from behind and pulled him down to the floor. Once they reached the floor, it appeared as though Officer Cooper punched inmate Pegues with his left fist, though it is not clear where the strike landed on inmate Pegues, due to the camera angle. Officer Cooper then got inmate Pegues in a headlock and held him there until assistance arrived. While interviewing Officer Cooper, he admitted that he failed to call for assistance first and said that he feared for his life, because inmate Pegues threatened to kill him there in the pod. I do believe that inmate Pegues threatened him, but I also believe that Officer Cooper overreacted by using excessive force for the situation. Instead of calling for assistance, he decided to advance toward the inmate after the inmate had already started backing away. He also used force against the inmate as he was facing away and appeared to be attempting to back out of the situation. Since this is Officer Cooper's first incident using excessive force, I am recommending an Oral Reprimand.

**SOR 301 EXCESSIVE FORCE** A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail - Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted. B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties. C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.) D. All employees will not allow a prisoner or other person in their custody to be physically mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- Officer Cooper had plenty of time to call for assistance, but continued to engage in a verbal confrontation with Inmate Pegues before spraying him with his chemical agent.
- Officer Cooper advanced toward inmate Pegues as he was backing away.
- Officer Cooper reached around inmate Pegues' head to spray him in the face with his chemical agent Freeze-Plus P as he was turning away.
- While the inmate's back was facing Officer Cooper, Officer Cooper grabbed the back of his hair and pulled him to the floor.
- While on the floor, Officer Cooper appeared to strike inmate Pegues with his fist before getting him in a headlock.



<b>SHELBY COUNTY SHERIFF'S OFFICE</b>			Case #:	
<b>Disciplinary Action Form</b>			<b>SI2019-226</b>	
<b>(Use Black Ink Only)</b>				
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>				
Employee Name: <small>(First/Last Name)</small>	<b>Kimberly White</b>	s# <b>9848</b>	Employee#:	Date Served: <b>5/17/2019</b>
Job Classification/Rank:	<b>Corrections Deputy</b>	Unit/Section/ Bureau:	<b>S.C.S.O. Jail Division</b>	
Type/Extent of Disciplinary Action:	<b>Written Reprimand</b>			
Standard Operating Rule Violation(s):				
<b>SOR 301 Excessive Force</b>				
<b>SOR 104 Personal Conduct</b>				
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):				
<b>See attached Disciplinary Action Form Addendum, page 2</b>				
Expected Improvement:				
<b>Officer K. White is expected to abide by and follow all S.C.S.O. Rules and Regulations.</b>				
Has employee been disciplined previously for the same type of infraction?		Yes	No	x
Supervisor's Title/Signature:		<i>Sgt K. Peterson 7047</i>		Date: <b>5-17-19</b>
Manager's Title/Signature:		<i>[Signature]</i>		Date: <b>5/17/19</b>
Appointing Authority's Title/Signature:		Date:		
Employee's Comments:				
Employee's Signature:		<i>Kimberly White</i>		Date: <b>5/17/2019</b>
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.</b></p>				
Explain absence of employee's signature:				
Manager/Supervisor's Signature:		Date:		
Witness' Signature: <small>(If applicable)</small>		Date:		

**SHELBY COUNTY SHERIFF'S OFFICE  
Disciplinary Action Form Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Kimberly White</b>	S#: <b>9848</b> Emp#	Case#: <b>SI2019-226</b>
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On April 9, 2019 at 1758 hours a code blue was called in first floor annex hallway via radio by Officer C. Wiggins S#10777. At 1759 hours I, (Sergeant A. Dickerson) Arrived to the annex area and observed Officer Kimberly White S#9848 crying and shouting "I'm sick of these niggers, he hit me". Officer White stated again "he hit me "as she was pointing to Inmate LilDarryl Clark booking number 18104108. Inmate Clark was restrained by several staff members taken to medical and relocated to administration segregation. At 1810 hours video footage was review of this incident and the following was observed: At 1757 hours Officer K. White bent over conducting a search of inmates LilDarryl Clark booking #19104108 properties. Inmate was standing on the wall at this time. Inmate Clark came off the wall and walked to the right of Officer White and begins to point to his property. Officer White stood up and begins to escort inmate Clark back to the wall by placing her hands on the wall of inmate Clark back. Inmate Clark placed both hands on the wall and turned his head and shoulder to the left side at which time Officer White grab inmate Clarks shirt in the shoulder area placing it near his ear. Inmate Clark turned around facing Officer White with his back on the wall. Officer White took the palm of her hand and struck inmate Clark in the face with a closed fist. Both Officer White and Inmate Clark begin to fight. Officer C. Wiggins S#10777 came from behind the officers work station and assisted in separating Officer White and Inmate Clark until help arrived.

**SOR 301 Excessive Force A.** An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices # 506 Law Enforcement - Use of Force/Chemical Agents/Restraints and # 806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted. **B.** An employee will not use force against any person that is unprovoked, needless, or not required during the performance of his/her official duties. **C.** An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.) **D.** An employee will not allow a prisoner or other person in his/her custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person.
- All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.
- An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)
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- Officer White grab inmate Clarks shirt in the shoulder area placing it near his ear. Inmate Clark turned around facing Officer White with his back on the wall. Officer White took the palm of her hand and struck inmate Clark in the face and then with a closed fist.

**SOR 104 Personal Conduct**

The conduct of each employee both on and of duty is expected to be such that it will not reflect adversely on other employees, the SCSO, Shelby County, or the law enforcement profession. This regulation applies to both the on and off duty conduct of all employees.

- Officer White took the palm of her hand and struck Inmate Clark in the face with a closed fist.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> Pre-Disciplinary Hearing Notice (Use Black Ink Only)			
<b>Employee Name/Rank:</b> <small>(First/Last Name)</small>	Kimberly White C/D	<b>S#:9848</b> Employee #	Case#: SI2019-226
<b>Unit/Section/ Bureau:</b>	S.C.S.O. Jail Division	<b>Charging/Investigating Officer/Supervisor/</b>	Sergeant A. Dickerson
<b>Date of Policy Violation:</b>		April 09, 2019	
<b>Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):</b>		SOR 301 Excessive Force SOR 104 Personal Conduct	
<b>Incident Summary:</b>  See attached Pre-Disciplinary Hearing Notice Addendum, page 2			
<b>Scheduled Hearing Day, Date, Time &amp; Location:</b> <i>Wednesday, May 15, 2019 10 AM 301 Poplar</i>			
<b>I acknowledge receipt of this notification:</b>		<i>Kimberly White</i> <small>Signature</small>	<i>5/7/19</i> <small>Date</small>
<b>Notifying Supervisor/Manager/ Disciplinary Review Rep.</b>		<i>W Powell</i> <small>Signature</small>	<i>5/7/2019</i> <small>Date</small>
<b>Employee's Initials &amp; Date</b>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.		
<i>KW</i> <i>5/7/19</i>			
<b>Hearing Results/Recommendations:</b>  <i>Reduced from one day to written Reprimand</i>			
<b>Date:</b> <i>5/17/2019</i> <b>Hearing Officer:</b> <i>H Holliman</i>			
<b>Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline</b>			
On <input type="text"/> the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to <input style="border: 1px solid black; padding: 2px 10px;" type="text" value="One (1) day suspension without pay"/>			
<b>Employee Signature:</b>	<b>Witness Signature:</b>	<b>Employee Date:</b>	<b>Witness Date:</b>

Original with any attachments to SCSO B.P.S.I. Disciplinary Review Section  
 Copy with applicable attachments to Employee  
 300.05 Pre-Disciplinary Hearing Notice

Revised: 08/10/2017

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
*(Use Black Ink Only)*

Employee Name: <small>(First/Last Name)</small>	<b>Kimberly White</b>	S#:9848 Emp#	Case#: <b>SI2019-226</b>
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On April 9, 2019 at 1758 hours a code blue was called in first floor annex hallway via radio by Officer C. Wiggins S#10777. At 1759 hours I, (Sergeant A. Dickerson) Arrived to the annex area and observed Officer Kimberly White S#9848 crying and shouting "I'm sick of these niggers, he hit me". Officer White stated again "he hit me "as she was pointing to Inmate LilDarryl Clark booking number 18104108. Inmate Clark was restrained by several staff members taken to medical and relocated to administration segregation. At 1810 hours video footage was review of this incident and the following was observed: At 1757 hours Officer K. White bent over conducting a search of inmates LilDarryl Clark booking #19104108 properties. Inmate was standing on the wall at this time. Inmate Clark came off the wall and walked to the right of Officer White and begins to point to his property. Officer White stood up and begins to escort inmate Clark back to the wall by placing her hands on the wall of inmate Clark back. Inmate Clark placed both hands on the wall and turned his head and shoulder to the left side at which time Officer White grab inmate Clarks shirt in the shoulder area placing it near his ear. Inmate Clark turned around facing Officer White with his back on the wall. Officer White took the palm of her hand and struck inmate Clark in the face and then with a closed fist. Both Officer White and Inmate Clark begin to fight. Officer C. Wiggins S#10777 came from behind the officers work station and assisted in separating Officer White and Inmate Clark until help arrived.

**SOR 301 Excessive Force** A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices # 506 Law Enforcement - Use of Force/Chemical Agents/Restraints and # 806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted. B. An employee will not use force against any person that is unprovoked, needless, or not required during the performance of his/her official duties. C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.) D. An employee will not allow a prisoner or other person in his/her custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

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- All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.
- An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)
- All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.
- Officer White grab inmate Clarks shirt in the shoulder area placing it near his ear. Inmate Clark turned around facing Officer White with his back on the wall. Officer White took the palm of her hand and struck inmate Clark in the face and then with a closed fist.

**SOR 104 Personal Conduct**

The conduct of each employee both on and of duty is expected to be such that it will not reflect adversely on other employees, the SCSO, Shelby County, or the law enforcement profession. This regulation applies to both the on and off duty conduct of all employees.

- Officer White took the palm of her hand and struck Inmate Clark in the face and then with a closed fist.

**This memo is in reference to incident #19-0409-284:**

On April 09, 2019 at 1757 hours, in the Annex Hallway, inmate Lildarryl Clark booking number 19104108 was being relocated to general population. Before beginning the search of inmate Clark property he was given several orders to place his property on the floor, put his feet on top of his shower shoes, and place both hands on the wall. Inmate Clark slowly complied with my orders after several attempts and started being disrespectful towards me. After fully complying, I began my search. While in the process of searching through inmate Clark property, he came off the pat-down wall (refusing the order given) and walked towards me stating, "Fuck this shit, all you gone do is send me to the hole! You a female you don't suppose to be touching me anyways!" I immediately stood up and ordered inmate Clark several times to place his hands back on the wall, in which he refused and keep stating, "Fuck this shit bitch!" To gain control of the situation I tried to guide inmate Clark with my hand on his back towards the pat down wall, it was not successful and inmate Clark became resistant towards me. A second attempt to gain control was tried by me placing the palm of my hand on inmate Clark back head area, it was also unsuccessful and inmate Clark turned around and struck me with a closed fist in my right jaw. I reacted by defending myself against inmate Clark, which cause us to become engaged in a physical altercation, due to me fearing for my life.

**On April 09, 2019 at 2149 hours, Sergeant Dickerson entered into OMS under her follow up report;**

On April 9, 2019 at 17:57 hours a code Blue was called for annex Hallway area. Officer K. White S# 9848 was in the process of inspecting the property of inmate Lildarryl Clark Booking Number #19104108 when inmate Clark came off the wall while being searched. Officer White gave Inmate Clark a direct order to stay on the wall until an order is given to come off the wall. Inmate Clark came off the wall and begins to walk toward his property. Officer White guided inmate Clark toward the wall at which time inmate Clark starting resisting. Officer C. Wiggins called a code blue and came from the officers work station to assist Officer White in restraining inmate Clark. At 17:58 the following staff arrived: L. Elliott S#9566, A. Davis S# 6547, Gang intelligence Unit F. Woods S# 6329 and L. Howard 9315. Inmate Clark was escorted to Medical by Officer L. Elliott, seen by Nurse Stewart and relocated to 1-D-12 cell.

**On April 09, 2019 at 2134 hours, Officer Chantell Wiggins entered into OMS under staff statement;**

On April 9, 2019 while monitoring Annex Hallway at 1757 hours, I Officer Wiggins service number 10777 observed Officer White service number 9828 began to conduct a search on Inmate Lildarryl Clark booking number 19104108. Officer White gave inmate Clark several clear direct orders to turn around and place his hands on the wall and for his hands to remain on the wall until further instructed. Inmate Clark slowly complied with the order initially.

He then began being combative with Officer White and removed his hands from the wall and began walking towards Officer White. At that time Officer White gave inmate Clark a direct order to return to the wall to complete the search. Inmate Clark refused. Officer White then guided Inmate Clark back to the wall. The two then began to engage in a physical altercation. I then attempted to assist with the situation and called a code blue via radio # 734163. Several Officers then responded to the code and assisted with code blue.

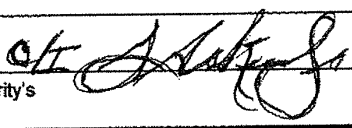
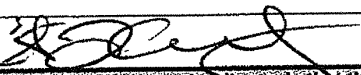
**On April 17, 2019 at 1554 hours, Disciplinary Officer B. Jones entered into OMS under hearing information;**

**INMATE'S STATEMENT: I WAS STANDING ON THE WALL. I SAW THE BABY OIL SO I WAS TRYING TO GET IT. SHE WAS TRYING TO STOP ME BY TRYING TO GRAB MY NECK AND I PUSHED HER HAND. SHE COCKED BACK AND HIT ME AND MY REFLEX. I COMPLIED WHEN THEY CAME AND PUT ME IN CUFFS. I COULDN'T THINK. IT HAPPENED SO FAST. IT WAS JUST MY REFLEX.**

**SURVEILLANCE FOOTAGE VIEWED - DISCIPLINARY PANEL'S DECISION: INMATE CLARK WAS FOUND GUILTY AND WILL SERVE 35 DAYS IN DETENTION FOR HIS ACTIONS. HE RECEIVED APPEAL #22377.**

**I'm writing this memo due to the fact that;**

1. Sergeant Diekerson's follow up report and disciplinary write-up is stating two different things and have several grammar errors
2. Officer Wiggins statement
3. Inmate Clark admitted to assaulting me first by pushing my hand away, in his statement
4. Video footage

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>				Case #:	
<b>Disciplinary Action Form</b>				<b>SI2019-265</b>	
<b>(Use Black Ink Only)</b>					
<p><i>The appropriate supervisor must complete this form when employee disciplinary action occurs. A detailed description and support documentation of the infraction must be included/attached. The supervisor and manager should sign the form and if possible, the appointing authority should review the form before counseling with the employee takes place. The supervisor will review form content and expected improvement/s with the employee who must sign the form to indicate his/her awareness of the action taken. The employee may include comments and must receive a copy of the form and any attachments. Forward the completed form to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) days after the disciplinary action takes place.</i></p>					
Employee Name: (First/Last Name)	<b>Todd Connolly</b>	S- 4483	ID#: 5424	Date Served:	<b>7/9/2019</b>
Job Classification:	<b>Lieutenant</b>	Dept: <b>SCSO Jail Division</b>			
Type/Extent of Disciplinary Action:	<b>One (1) day suspension without pay</b>				
Reason/s for Disciplinary Action – Standard Operating Rule Violations:					
<b>SOR 102 UNSATISFACTORY PERFORMANCE</b>					
<b>SOR 301 EXCESSIVE FORCE</b>					
(If necessary attach additional documentation)					
<b>See attached Disciplinary Action Form addendum, page 2</b>					
Expected Improvement:					
<b>Lt. Connolly is expected to follow county policies and procedures.</b>					
Has employee been disciplined previously for the same type of infraction?			Yes	<input checked="" type="checkbox"/>	No
			Date:	<b>4/10/2019</b>	
Supervisors Title/Signature:				Date:	
Manager's Title/Signature: 				Date: <b>7/3/19</b>	
Appointing Authority's Title/Signature:				Date:	
Employee's Comments:					
Employee's Signature: 				Date: <b>7-9-2019</b>	
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative grievance procedure.</b></p>					
Explain absence of employee's signature:					
Supervisor's Signature:				Date:	
Witness' Signature: (If applicable)				Date:	

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee:

**Todd Connolly**

Department:

**SCSO Jail Division**

On May 07, 2019, incident 19-0507-629 occurred on the third floor involving Officer Y. Sommerville S#9589 and Inmate Brandon McClendon Booking Number 19106537. Lieutenant Todd Connolly S#4483 reported to the third floor and was given the information about the incident. Lieutenant Connolly walked up to a gated bar door and sprayed a chemical agent at Inmate McClendon. Officer E. Chaney opened the bar door and inmate McClendon came out. Several officers followed the inmate as well as Lieutenant Connolly. Lieutenant Connolly sprayed inmate McClendon again while he was handcuffed and had his head down. Lieutenant Connolly used excessive force during this incident. He failed to follow the Use of Force policy. Because of Lieutenant Connolly's rank he is expected to perform certain duties and assume certain responsibilities. Lieutenant Connolly violated the following Shelby County Sheriff's Office policies and procedures:

**SOR 301 EXCESSIVE FORCE**

- C. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Policies #506 Law Enforcement – Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects, and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.
- D. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.
- Lieutenant Connolly used excessive force during this incident.
  - Lieutenant Connolly did not follow the Use of Force policy

**SOR 102 UNSATISFACTORY PERFORMANCE** An employee will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which he/she is assigned.

- Because of Lieutenant Connolly's rank, he is expected to perform certain duties and assume certain responsibilities.
- Lieutenant Connolly is held to a higher standard due to his rank.



<b>SHELBY COUNTY SHERIFF'S OFFICE</b> Pre-Disciplinary Hearing Notice (Use Black Ink Only)			
<b>Employee Name/Rank:</b> <small>(First/Last Name)</small>	Todd Connolly / LT	<b>S#:</b>	4483
		<b>Case#:</b>	SI2019-265
<b>Unit/Section/ Department:</b>	SCSO Jail Division	<b>Charging/Investigating Officer/Supervisor:</b>	Captain D. Harris
<b>Date of Policy Violation:</b> May, 07 2019			
<b>Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rules:</b>	SOR 301 EXCESSIVE FORCE SOR 102 UNSATISFACTORY PERFORMANCE		
<b>Summary of Investigation:</b>			
See attached Pre-Disciplinary Hearing Notice Addendum, page 2			
<b>Scheduled Hearing Day, Date, Time &amp; Location:</b> Thursday, June 27, 2019 10 AM 2nd Poplar			
<b>I acknowledge receipt of this notification:</b>			
	<i>[Signature]</i>	<b>Date:</b>	6/20/19 1400 hrs
<b>Notifying Officer/Supervisor/ Disciplinary Review Rep.</b>			
	<i>[Signature]</i>	<b>Date:</b>	6/20/19 1400 hrs
<b>Employee's Initials &amp; Date</b>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge/s. You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.		
<b>Hearing Results/Recommendations:</b>			
RECOMMENDING 1 DAY SUSPENSION WITHOUT PAY			
<b>Date:</b> 7/3/19		<b>Hearing Officer:</b> <i>[Signature]</i>	
<b>Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline</b>			
On <input type="text"/> employee, having been advised of his/her rights to a			
Pre-Disciplinary Hearing, waived this right, and agreed to <input type="text" value="Three (3) days suspension without pay"/>			
<b>Employee Signature:</b>		<b>Witness Signature:</b>	
<b>Date:</b>		<b>Date:</b>	

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
**(Use Black Ink Only)**

Employee:

**Todd Connolly**

Department:

**SCSO Jail Division**

On May 07, 2019, incident 19-0507-629 occurred on the third floor involving Officer Y. Sommerville S#9589 and Inmate Brandon McClendon Booking Number 19106537. Lieutenant Todd Connolly S#4483 reported to the third floor and was given the information about the incident. Lieutenant Connolly walked up to a gated bar door and sprayed a chemical agent at Inmate McClendon. Officer E. Chaney opened the bar door and inmate McClendon came out. Several officers followed the inmate as well as Lieutenant Connolly. Lieutenant Connolly sprayed inmate McClendon again while he was handcuffed and had his head down. Lieutenant Connolly used excessive force during this incident. He failed to follow the Use of Force policy. Because of Lieutenant Connolly's rank he is expected to perform certain duties and assume certain responsibilities. Lieutenant Connolly violated the following Shelby County Sheriff's Office policies and procedures:

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- Lieutenant Connolly used excessive force during this incident.
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- Because of Lieutenant Connolly's rank, he is expected to perform certain duties and assume certain responsibilities.
- Lieutenant Connolly is held to a higher standard due to his rank.



Offender Management System



Screen: Incidents

Date/Time: 05/08/2019 10:45

Author: Duane.Echols

On 05/07/2019 at or about 1100 hours I returned to the third floor. I was notified that inmate Brandon McClendon booking number just spit on Officer Somerville. Inmate McClendon was standing at the door of the third floor multi purpose room. I gave inmate McClendon a order to get out of the doorway and to sit down. Inmate McClendon responded "That bitch got me beat up." I went to my office to put down my paperwork when I returned, Inmate McClendon was still standing at the door. I gave inmate McClendon another order "go sit down like I said" at this time inmate McClendon made a noise as if he was trying to spit on me I immediately sprayed inmate with on burst of Punch III pepper foam. I entered the room with Sergeant Echols behind me, I gave inmate to sit in the chair and he ran around me and exited the room running into Officer E. Chaney. Officer Chaney took him down a code blue was called by me. Officer R. Isom and Sergeant B. Smith tried to escort inmate McClendon to second floor medical. Inmate McClendon was given several orders to get up and he resisted and refused all orders to comply. I sprayed inmate McClendon again with Punch III pepper foam again. The Drt Officers that responded to the floor and escorted inmate McClendon to medical via Stretcher chair.

↓  
officer Redelton

X



Screen: Incidents

Date/Time: 06/23/2019 11:35

Author: Todd.Connolly

On 05/07/2019 at or about 1100 hours I returned to the third floor. I was notified that inmate Brandon McClendon booking number just spit on Officer Somerville. Inmate McClendon was standing at the door of the third floor multi purpose room. I gave inmate McClendon a order to get out of the doorway and to sit down. Inmate McClendon responded "That bitch got me beat up." I went to my office to put down my paperwork when I returned, Inmate McClendon was still standing at the door. I gave inmate McClendon another order "go sit down like I said" at this time inmate McClendon made a noise as if he was trying to spit on me I immediately sprayed inmate with on burst of Punch III pepper foam. I entered the room with Sergeant Echols behind me, I gave inmate to sit in the chair and he ran around me and exited the room running into Officer E. Chaney. Officer Chaney took him down a code blue was called by me. Officer R. Isom and Sergeant B. Smith tried to escort inmate McClendon to second floor medical. Inmate McClendon was given several orders to get up and he resisted and refused all orders to comply stating "ya'll gonna have to kill me and beat me fuck all y'all." I sprayed inmate McClendon again with Punch III pepper foam again. The Drt Officers that responded to the floor and escorted inmate McClendon to medical via Stretcher chair.

Officer Pennington

7/20/19

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
 (Use Black Ink Only)

Employee Name/Rank: <small>(First/Last Name)</small>	Todd Connolly / LT	S#:4483 Emp.#	Case#: S12019-303
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Unit/Section/ Bureau:	SCSO Jail Division	Charging/Investigating Officer/Supervisor/Manager:	Captain L. Dotson S# 3009
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Date of Policy Violation: On 4/10/2019

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	SOR 301- EXCESSIVE FORCE
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Incident Summary:  
 See attached Pre-Disciplinary Hearing Notice Addendum, page 2

Scheduled Hearing Day, Date, Time & Location: *Thursday, June 27, 2019 0930 AM 201 Poplar*

I acknowledge receipt of this notification:  *[Signature]* 6/20/2019 1400 hrs

Notifying Supervisor/Manager/  
Disciplinary Review Rep.  *[Signature]* 6/20/2019 1400 hrs

Employee's Initials & Date  <input checked="" type="checkbox"/>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.
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Hearing Results/Recommendations:  
*DISMISSED*

Date: *7/3/19* Hearing Officer: *[Signature]*

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On  the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to

Employee Signature:	Witness Signature:
Date:	Date:

**SHELBY COUNTY SHERIFF'S OFFICE  
Disciplinary Action Form Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Todd Connolly</b>	S# <b>4483</b> Emp.# 5424	Case#: <b>SI2019-303</b>
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On Wednesday, April 10, 2019, at 1514 hours, Lieutenant Todd Connolly, S#4483, was involved in an assaultive incident on the Third Floor Southside involving inmate Antwon Robinson, booking number 18102023. I, (Captain Dotson) viewed the surveillance footage and it showed inmate Robinson was irate and was being restrained by several officers but was still combative. The surveillance footage shows Lieutenant Connolly with his foot on inmate Robinson's foot holding it down. During the course of the incident, Lieutenant Connolly was also seen stomping and kicking inmate Robinson as he was being held down on the floor. Lieutenant Connolly is being charged with SOR 301 Excessive Force for stomping and kicking inmate Robinson who was being held down on the floor.

**SOR 301 Excessive Force**

- B. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Policies # 506 Law Enforcement – Use of force/Chemical Agents/Restraints and # 806 Jail – Use of force /Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects, and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.
  - B. An employee will not use force against any person that is unprovoked, needless, or not required during the performance of his/her official duties.
  - E. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)
  - F. An employee will not allow a prisoner or other person in his/her custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.
- The surveillance footage shows Lieutenant Connolly with his foot on inmate Robinson's foot holding it down.
  - During the course of the incident, Lieutenant Connolly was also seen stomping and kicking inmate Robinson while he was being restrained on the Floor.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>SI2019-348</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

<b>Employee Name:</b> <small>(First/Last Name)</small> <b>KATISHA WALKER</b>	<b>s# 9740</b>	<b>Employee#:</b>	<b>Date Served:</b> <i>8/6/2019</i>
<b>Job Classification/Rank:</b> <b>Corrections Deputy</b>		<b>Unit/Section/ Bureau:</b> <b>SCSO Jail Division</b>	

**Type/Extent of Disciplinary Action:**      **Ten (10) days suspension without pay**

**Standard Operating Rule Violation(s):**  
**SOR 102 Unsatisfactory Job Performance**  
**SOR 301 EXCESSIVE FORCE**  
**SOR 101 COMPLIANCE WITH REGULATIONS**  
**To wit: 787 05.00/305.04 BASIC DIRECT SUPERVISION GUIDELINES**

**Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):**

**See attached Disciplinary Action Form addendum, page 2**

**Expected Improvement:**  
**Officer Walker is expected to not willfully violate policy.**

<b>Has employee been disciplined previously for the same type of infraction?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Date:</b> <b>12/20/2018</b>
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<b>Supervisor's Title/Signature:</b>	<b>Date:</b>
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<b>Manager's Title/Signature:</b> <i>[Signature]</i>	<b>Date:</b> <i>8/6/19</i>
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<b>Appointing Authority's Title/Signature:</b>	<b>Date:</b>
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**Employee's Comments:**

<b>Employee's Signature:</b> <i>[Signature]</i> <b>9740</b>	<b>Date:</b> <i>8/6/2019</i>
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**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

<b>Explain absence of employee's signature:</b>	
<b>Manager/Supervisor's Signature:</b>	<b>Date:</b>
<b>Witness' Signature: (If applicable)</b>	<b>Date:</b>

<b>SHELBY COUNTY SHERIFF'S OFFICE Disciplinary Action Form Addendum (Use Black Ink Only)</b>			
Employee Name: (First/Last Name)	<b>KATISHA WALKER</b>	S#: <b>9740</b> Emp#	Case#: <b>SI2019-348</b>
<p>On June 27, 2019, I, (Sergeant Mourning) was informed by Lieutenant F. Varner S#7792 that Inmate Damien Boone, booking number 17152312 (4-J-1) was sprayed by Officer Katisha Walker S#9740. After reviewing the surveillance footage with Lt. Varner we witnessed Officer Walker get up from the table in the Hallway on the Northside at 1351 hours and enter fourth floor J-Pod. Officer Walker stood in front of cell 1 shaking her freeze +P and sprayed two bursts into the cell and then she walked away. I interviewed inmate Boone and he stated, "Sarge we were both talking shit to each other and she got mad and sprayed me". Officer Walker left work at the end of her tour of duty and failed to notify her supervisor that she used her chemical agent on inmate Boone and she also failed to put an incident report into OMSE documenting that the incident happened.</p> <p><b>SOR 301 – EXCESSIVE FORCE SECTION (B)</b> All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their duties.</p> <ul style="list-style-type: none"> <li>• Officer Walker stood in front of cell 1 shaking her freeze +P and sprayed two bursts into the cell and then she walked away.</li> </ul> <p><b>SOR 101 COMPLIANCE WITH REGULATIONS</b> Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, Standard Operating Procedures (SOP's), the SCSO Policy # 106 Code of Ethics, directives of the SCSO, and all federal, state and local laws, and Shelby County government policies. <b>To wit:</b> 787 Pod Operations Deputy in reference to 305 Direct Supervision 787 05.00 DUTY DESCRIPTION Pod Operations Deputy will maintain a safe and secured environment for inmates by effective communication, management and control.</p> <ul style="list-style-type: none"> <li>• Officer Walker left work at the end of tour of duty and failed to notify her supervisor that she used her chemical agent on inmate Boone and she also failed to put an incident report into OMSE documenting that the incident happened.</li> </ul> <p><b>SOR 102 UNSATISFACTORY PERFORMANCE</b> All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.</p> <ul style="list-style-type: none"> <li>• Officer Walker failed to put a report into OMSE documenting that the incident happened.</li> <li>• Officer Walker left work at the end of her tour of duty and failed to notify her supervisor that she used her chemical agent on inmate Boone and she also failed to put an incident report into OMSE documenting that the incident happened.</li> <li>• Officer Walker stood in front of cell 1 shaking her freeze +P and sprayed two bursts into the cell and then she walked away.</li> </ul>			



**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
 (Use Black Ink Only)

Employee Name/Rank: (First/Last Name)	<b>KATISHA WALKER C/D</b>	S#: Employee #	<b>9740</b>	Case#:	<b>SI2019-348</b>
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Unit/Section/ Bureau:	<b>SCSO Jail Division</b>	Charging/Investigating Officer/Supervisor/Manager:	<b>SERGEANT MOURNING</b>
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Date of Policy Violation: **On June 27, 2019**

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	<b>SOR 102 Unsatisfactory Job Performance</b> <b>SOR 301 EXCESSIVE FORCE</b> <b>SOR 101 COMPLIANCE WITH REGULATIONS</b> To wit: 787 05.00/305.04 BASIC DIRECT SUPERVISION GUIDELINES
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Incident Summary:

**See attached Pre-Disciplinary Hearing Notice addendum, page 2**

Scheduled Hearing Day, Date, Time & Location: **Monday, August 5, 2019 10AM 201 Poplar**

I acknowledge receipt of this notification: *[Signature]* Signature: \_\_\_\_\_ Date: **7/27/19** Time: **1040**

Notifying Supervisor/Manager/ Disciplinary Review Rep. *[Signature]* Signature: \_\_\_\_\_ Date: **7/29/2019** Time: **1040 Am**

Employee's Initials & Date <b>KW 7/27/19</b>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.
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Hearing Results/Recommendations:  
*The surveillance tape shows other staff were effective by the way and the 10 day suspension is up held for officer K. Walker #49740*

Date: **8/6/19** Hearing Officer: *[Signature]* **3104**

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On  the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to **Ten (10) days suspension without pay**

Employee Signature:	Witness Signature:
Date:	Date:

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
*(Use Black Ink Only)*

Employee Name: (First/Last Name)	<b>KATISHA WALKER</b>	S#: <b>9740</b> Emp#	Case#: <b>SI2019-348</b>
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On June 27, 2019, I, (Sergeant Mourning) was informed by Lieutenant F. Varner S#7792 that Inmate Damien Boone, booking number 17152312 (4-J-1) was sprayed by Officer Katisha Walker S#9740. After reviewing the surveillance footage with Lt. Varner we witnessed Officer Walker get up from the table in the Hallway on the Northside at 1351 hours and enter fourth floor J-Pod. Officer Walker stood in front of cell 1 shaking her freeze +P and sprayed two bursts into the cell and then she walked away. I interviewed inmate Boone and he stated, "Sarge we were both talking shit to each other and she got mad and sprayed me". Officer Walker left work at the end of her tour of duty and failed to notify her supervisor that she used her chemical agent on inmate Boone and she also failed to put an incident report into OMSE documenting that the incident happened.

**SOR 301 – EXCESSIVE FORCE SECTION (B)**

All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their duties.

- Officer Walker stood in front of cell 1 shaking her freeze +P and sprayed two bursts into the cell and then she walked away.

**SOR 101 COMPLIANCE WITH REGULATIONS**

Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, Standard Operating Procedures (SOP's), the SCSO Policy # 106 Code of Ethics, directives of the SCSO, and all federal, state and local laws, and Shelby County government policies. **To wit:** 787 Pod Operations Deputy in reference to 305 Direct Supervision 787 05.00 DUTY DESCRIPTION Pod Operations Deputy will maintain a safe and secured environment for inmates by effective communication, management and control.

- Officer Walker left work at the end of tour of duty and failed to notify her supervisor that she used her chemical agent on inmate Boone and she also failed to put an incident report into OMSE documenting that the incident happened.

**SOR 102 UNSATISFACTORY PERFORMANCE**

All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.

- Officer Walker failed to put a report into OMSE documenting that the incident happened.
- Officer Walker left work at the end of her tour of duty and failed to notify her supervisor that she used her chemical agent on inmate Boone and she also failed to put an incident report into OMSE documenting that the incident happened.
- Officer Walker stood in front of cell 1 shaking her freeze +P and sprayed two bursts into the cell and then she walked away.



***Shelby County Sheriff's Office  
Floyd Bonner Jr., Sheriff  
201 Poplar Avenue Memphis, TN 38103  
(901) 222-5500***

**Interoffice Memo**

**To:** Whom it may concern  
**From:** Officer M.Ranson S#10001  
**Date:** 08/03/2019  
**Subject:** Informational Purpose

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I was informed to submit a memo on the situation that occurred on 06/27/2019 per Sergeant Mourning S#7917. He informed me it was allegation against Officer K.Walker S#9740 regarding using her chemical agent on a inmate housed in fourth floor juliet pod. I did see the spray in her hand, but she did not spray the inmate at anytime. I did not witness her do this allegation against her nor did I smell anything.

Respectfully Submitted,  
Officer M.Ranson S#10001

1040



*Shelby County Sheriff's Office  
Floyd Bonner Jr., Sheriff  
201 Poplar Avenue Memphis, TN 38103  
(901) 222-5500*

**Interoffice Memo**

**To:** Whom It May Concern  
**From:** Haleesia Martin, S#9838  
**Date:** 08/03/2019  
**Subject:** Inmate Damien Boone, Booking Number 17152312

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I was asked to submit a memo concerning a situation that transpired on June 27, 2019. At around 1330 hours, while sitting on fourth floor hallway, I observed Officer K. Walker S#9740 standing outside of 4-J pod with her chemical agent in her hand. Please be advised that to my knowledge Officer Walker did not spray any chemical agent nor did I smell any chemical agents in the air.

Respectfully Submitted,

Officer Haleesia Martin S#9838



*Shelby County Sheriff's Office*  
*Floyd Bonner Jr., Sheriff*  
*201 Poplar Avenue Memphis, TN 38103*  
*(901) 222-5500*

**Interoffice Memo**

To: Whom May Concern

From: Martellias Jones 9237

Date: 8/5/2019

Subject: D. Boone Booking Number 17152312

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I am submit this memo to incident that occurred on 6/27/2019. I walked inside of 4<sup>th</sup> floor J-pod to conduct rounds and did not smell spray.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>		<b>Case #:</b>	
<b>Disciplinary Action Form</b>		<b>SI2019-569</b>	
<b>(Use Black Ink Only)</b>			
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>			
Employee Name: <small>(First/Last Name)</small>	<b>Ronald Nesbitt</b>	s# <b>9395</b>	Emp.#: _____ Date Served: <b>11-26-19</b>
Job Classification/Rank:	<b>Corrections Deputy</b>	Unit/Section/Bureau:	<b>SCSO Jail Division</b>
Type/Extent of Disciplinary Action:	<b>Oral Reprimand</b>		
Standard Operating Rule Violation(s): <b>SOR 301 EXCESSIVE FORCE</b> <b>SOR 102 UNSATISFACTORY PERFORMANCE</b>			
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):			
Expected Improvement: Officer Ronald Nesbitt S#9395 is expected to follow the policies and procedure of this facility.			
Has employee been disciplined previously for the same type of infraction?		Yes	No
Supervisor's Title/Signature: <i>[Signature]</i> <b>ST 4024</b>		Date: <b>11/26/19</b>	
Manager's Title/Signature: <i>[Signature]</i> <b>S#608</b>		Date: <b>11-26-19</b>	
Appointing Authority's Title/Signature:		Date:	
Employee's Comments:			
Employee's Signature: <i>[Signature]</i> <b>9395</b>		Date: <b>11-26-19</b>	
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken.</b>  <b>Employees have the right to appeal this action through the administrative appeals procedure.</b></p>			
Explain absence of employee's signature:			
Manager/Supervisor's Signature:		Date:	
Witness' Signature: <small>(if applicable)</small>		Date:	

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments  
 300.06 Disciplinary Action Form

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>			
Employee Name: (First/Last Name)	Ronald Nesbitt	S#9395 Emp.#	Case#: <b>SI2019-569</b>
<p>On October 26, 2019 at 0724 hours, Officer Ronald Nesbitt S#9395 was involved in an physical altercation with inmate Monterio Chrishun Towles booking number 19121027, that took place in the intake area on the 6/2 shift. I viewed the surveillance footage for the incident twice and Officer Nesbitt was seen giving inmate Towles several directives to hang up the phone, as he motioned for him to walk towards the inmate holding tank. Inmate Towles was seen putting his left arm back inside of his left shirt sleeve. Officer Nesbitt then attempted to place his hand on inmate Towles left arm in order to escort him towards the holding tank, when inmate Towles jerked his arm away. After inmate Towles jerked his arm so Officer Nesbitt couldn't touch him, he start walking towards the holding tank. Officer Nesbitt S#9395 then ran behind inmate Towles and placed his arm around inmate Towles neck. The two struggle as Officer Nesbitt continued with his arm around inmate Towles neck, while standing behind him. Officer Nesbitt and inmate Towles both fell to the floor. Inmate Towles fell on top of Officer Nesbitt, as he still had his arm wrapped around inmate Towles neck. Inmate Towles appeared to be passed out, but however, moments later, was alert and cursed several different staff members out. Inmate Towles was not a threat to Officer Nesbitt at the time. Inmate Towles was walking towards the inmate holding tank as he was instructed. Officer Nesbitt used excessive force on inmate Towles therefore he will be charged with <b>SOR 301 EXCESSIVE FORCE AND 102 UNSATISFACTORY PERFORMANCE.</b></p> <p><b><u>SOR 301 EXCESSIVE FORCE:</u></b> An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement-Use of Force/Chemical Agents/Restraints and #806 Jail-Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <ul style="list-style-type: none"> <li>• Officer Nesbitt S#9395 then ran behind inmate Towles and placed his arm around inmate Towles neck. The two struggle as Officer Nesbitt continued with his arm around inmate Towles neck, while standing behind him. Officer Nesbitt and inmate Towles both fell to the floor. Inmate Towles fell on top of Officer Nesbitt, as he still had his arm wrapped around inmate Towles neck. Inmate Towles appeared to be passed out, but however, moments later, was alert and cursed several different staff members out.</li> </ul> <p><b><u>SOR 102 UNSATISFACTORY PERFORMANCE:</u></b> An employee will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.</p> <ul style="list-style-type: none"> <li>• Inmate Towles was not a threat to Officer Nesbitt at the time. Inmate Towles was walking towards the inmate holding tank as he was instructed.</li> </ul> <p>As reference in the Memorandum of Understanding (MOU) between AFSCME and the Sheriff's Office Article 7, Section 7, Subsection: (F) Acts of misconduct while on duty.</p>			

*A shift off duty / FR*

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
 (Use Black Ink Only)

Employee Name/Rank: (First/Last Name)	Ronald Nesbitt, C/D	S# 9395	Emp.#	Case # SI2019-569
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Unit/Section/ Bureau:	SCSO Jail Division	Charging/Investigating Officer/Supervisor/Manager:	Sergeant McDonald Cox
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Date of Policy Violation: 10/26/19

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	SOR 102 UNSATISFACTORY PERFORMANCE SOR 301 EXCESSIVE FORCE
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Incident Summary:  
  
 See attached Pre-Disciplinary Hearing Notice Addendum, page 2

Scheduled Hearing Day,  
Date, Time & Location:

I acknowledge receipt of this notification:  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Notifying Supervisor/Manager/ Disciplinary Review  
 Rep.  Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's Initials & Date	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures of the Employee Discipline Policy.
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Hearing Results/Recommendations:  
  
 Date: \_\_\_\_\_ Hearing Officer: \_\_\_\_\_

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On  the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to

Employee Signature: \_\_\_\_\_ Witness Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_ Date: \_\_\_\_\_

**ORIGINAL**



<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Pre-Disciplinary Hearing Notice Addendum</b> <b>(Use Black Ink Only)</b>			
Employee Name: (First/Last Name)	Ronald Nesbitt	S# 9395 ID#	Case#: <b>SI2019-569</b>
<p>On October 26, 2019 at 0724 hours, Officer Ronald Nesbitt S#9395 was involved in an physical altercation with inmate Monterio Chrishun Towles booking number 19121027, that took place in the intake area on the 6/2 shift. I viewed the surveillance footage for the incident twice and Officer Nesbitt was seen giving inmate Towles several directives to hang up the phone, as he motioned for him to walk towards the inmate holding tank. Inmate Towles was seen putting his left arm back inside of his left shirt sleeve. Officer Nesbitt then attempted to place his hand on inmate Towles left arm in order to escort him towards the holding tank, when inmate Towles jerked his arm away. After inmate Towles jerked his arm so Officer Nesbitt couldn't touch him, he start walking towards the holding tank. Officer Nesbitt S#9395 then ran behind inmate Towles and placed his arm around inmate Towles neck. The two struggle as Officer Nesbitt continued with his arm around inmate Towles neck, while standing behind him. Officer Nesbitt and inmate Towles both fell to the floor. Inmate Towles fell on top of Officer Nesbitt, as he still had his arm wrapped around inmate Towles neck. Inmate Towles appeared to be passed out, but however, moments later, was alert and cursed several different staff members out. Inmate Towles was not a threat to Officer Nesbitt at the time. Inmate Towles was walking towards the inmate holding tank as he was instructed. Officer Nesbitt used excessive force on inmate Towles therefore he will be charged with <b>SOR 301 EXCESSIVE FORCE AND 102 UNSATISFACTORY PERFORMANCE.</b></p> <p><b><u>SOR 301 EXCESSIVE FORCE:</u></b> An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement-Use of Force/Chemical Agents/Restraints and #806 Jail-Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <ul style="list-style-type: none"> <li>Officer Nesbitt S#9395 then ran behind inmate Towles and placed his arm around inmate Towles neck. The two struggle as Officer Nesbitt continued with his arm around inmate Towles neck, while standing behind him. Officer Nesbitt and inmate Towles both fell to the floor. Inmate Towles fell on top of Officer Nesbitt, as he still had his arm wrapped around inmate Towles neck. Inmate Towles appeared to be passed out, but however, moments later, was alert and cursed several different staff members out.</li> </ul> <p><b><u>SOR 102 UNSATISFACTORY PERFORMANCE:</u></b> An employee will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.</p> <ul style="list-style-type: none"> <li>Inmate Towles was not a threat to Officer Nesbitt at the time. Inmate Towles was walking towards the inmate holding tank as he was instructed.</li> </ul> <p>As reference in the Memorandum of Understanding (MOU) between AFSCME and the Sheriff's Office Article 7, Section 7, Subsection: (F) Acts of misconduct while on duty.</p>			

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>AI2020-016</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

<b>Employee Name:</b> <small>(First/Last Name)</small>	<b>Lee Simmons</b>	<b>S# 5291</b>	<b>Emp.#: 8140</b>	<b>Date Served:</b> <i>7/30/2020</i>
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<b>Job Classification/Rank:</b> <b>Corrections Deputy</b>	<b>Unit/Section/Bureau:</b> <b>SCSO Jail</b>
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**Type/Extent of Disciplinary Action:** **10 Days Suspension Without Pay**

**Standard Operating Rule Violation(s):**

**SOR 301 Excessive Force**  
**SOR 601 Completing Official Reports**

**Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):**

See Disciplinary Action Form Addendum, page 2 & 3  
See attached Hearing Result Letter

**Expected Improvement:**

Deputy Lee Simmons, S-5291 is expected to follow all SCSO policy and procedures.

Has employee been disciplined previously for the same type of infraction?	<b>Yes</b>	<b>No</b>	<input checked="" type="checkbox"/> <b>X</b>	Date:
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Supervisor's Title/Signature:	Date:
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Manager's Title/Signature:	Date:
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Appointing Authority's Title/Signature: <i>Chief Deputy</i>	Date: <i>7/15/2020</i>
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**Employee's Comments:**

Employee's Signature: <i>Lee Simmons</i>	Date: <i>7/30/2020</i>
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**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

Explain absence of employee's signature:	
Manager/Supervisor's Signature:	Date:
Witness' Signature: (If applicable)	Date:

Page 2

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee  
**Name:**  
 (First/Last Name)

Lee Simmons

S# 5291  
 Emp.# 8140

Case#: AI2020-016

On 05/06/2020, a case was opened based on an allegation of excessive force involving Shelby County Sheriff's Office (SCSO) Corrections Deputy Lee Simmons, S-5291, currently assigned to the 10 p.m. to 6 a.m. shift of the Shelby County Jail located at 201 Poplar Avenue.

Offender Management System (OMS) report #20-0326-982, written by Corrections Deputy Simmons, reported the following sequence of events. On 03/26/2020, at 0042 hours, Officer Simmons was alerted to a verbal threat made by inmate Deandre Mitchell booking number 20105418, in the proximity of Corrections Deputy S. Brown, S#6676, in the intake area of the Shelby County Jail. According to Simmons, Brown was attempting to escort Mitchell to inmate housing when the incident took place. Prior to this incident, Mitchell assaulted another inmate earlier that evening and he was confined to tank #9 and restricted from using the telephone. During his confinement in tank #9, Mitchell became agitated and made threats to shoot several officers in the intake area and he said he knew where they parked. When Mitchell was allowed to exit the tank, he continued to make threats in the presence of Officer Brown, who instructed him to cease his actions. Mitchell refused Brown's directives by raising his voice and making more threats. Simmons stated that he, along with Officers J. Ford, and A. Jones, responded to the threat because of Mitchell's refusal to comply and for Officer Brown's safety.

Simmons said Ford also gave Mitchell several directives to cease his threats, step to the wall, and place his hands behind his back. Mitchell refused and stepped into Ford's personal space in a threatening manner striking Ford in the body. Simmons said he reacted by applying an open hand strike to Mitchell's upper body. Mitchell responded by continuing to refuse directives and became physically combative towards Ford and Simmons. According to Simmons, both he and Ford defended themselves by striking Mitchell to the upper body until Mitchell ceased his actions and became compliant. At that point, Simmons and Ford stopped their actions and allowed Gang Intelligence Unit (GIU) Officer S. Hodges to apply handcuffs, then Mitchell was escorted to medical by Detention Response Team (DRT). Mitchell was examined by Nurse Turner at 0050 hours, deemed free of injury, and did not require further medical assistance. Mitchell was escorted from medical and released from the facility without further incident. A code blue was called in response to this incident at 0045 hours. Sergeant L. Bryant, Intake Supervisor, responded and provided directives. A copy of the initial incident report displays Corrections Deputy Monica Henderson, S#6107, assigned to Intake on the 10 p.m. to 6 a.m. shift, as the author. Nadia spoke to Henderson on 06/19/2020, who explained that Simmons had ongoing log in difficulties, so she allowed him to use her log in information. Henderson denied completing the incident report and added she was off work on 03/26/2020. Clerical Specialist M. Johnson confirmed Henderson's claims. All appropriate personnel were notified of this incident. No chemical agents were used during this incident.

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee Name: <small>(First/Last Name)</small>	Lee Simmons	S# 5291 Emp.# 8140	Case#: AI2020-016
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The facts, statements, and documents pertinent to this case indicate that **Corrections Deputy Lee Simmons, S-5291**, did violate the following Shelby County Sheriff's Office Policies and Procedures in effect at the time of the incident:

**SOR 301 EXCESSIVE FORCE**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

- On 03/26/2020, Corrections Deputy Lee Simmons, S#5291, used excessive force against inmate Deandre Mitchell during an altercation. Simmons failed to utilize alternative measures and did not give Mitchell a reasonable amount of time to comply with directives given before he escalated to an unnecessary level of force. Simmons' actions led to an altercation with the potential for serious injury involving several officers.

**SOR 601 COMPLETING OFFICIAL REPORTS**

All employees will make reports promptly, accurately, completely, and in full conformity with specifications of SCSO as required by their job position. All employees will make all necessary reports as required as soon as possible practicable before going off duty. Employees must not make false reports.

- On 03/26/2020, Corrections Deputy Lee Simmons completed OMS report #20-0236-982, in which he wrote that inmate Mitchell stepped into Ford's personal space in a threatening manner, striking Ford in the body. Video surveillance footage revealed that Ford advanced into Mitchell's personal space and Simmons initiated the physical altercation by striking Mitchell. Mitchell appeared have his head down, an open right hand, and relaxed shoulders. Ford wasn't struck until Mitchell start to defend himself later in the altercation. Simmons failed to accurately report the events in the sequen that they occurred.

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
 (Use Black Ink Only)

Employee Name/Rank: <small>(First/Last Name)</small>	Lee Simmons, C/D	S#: 5291 Emp.# 8140	Case#: AI2020-016
Unit/Section/ Bureau:	Jail	Charging/Investigating Officer/Supervisor/Manager:	

Date of Policy Violation: 03/26/2020

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	<b>SOR 301 Excessive Force</b> <b>SOR 601 Completing Official Reports</b>
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Incident Summary:  
 See attached Pre-Disciplinary Hearing Notice Addendum, page 2 & 3  
 See attached Report of Investigation

Scheduled Hearing Day,  
 Date, Time & Location: Thursday, July 9, 2020, 0900 am, 1080 Madison Ave.

I acknowledge receipt of this notification:  *[Signature]* Date: 7/2/20 Date: 7/2/20 Time: 10:09

Notifying Supervisor/Manager/  
 Disciplinary Review Rep.  *[Signature]* Date: 7/2/2020 Time: 10:09

Employee's Initials & Date X <i>[Signature]</i> 7/2/20	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.
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Hearing Results/Recommendations:  
*Ten (10) days suspension w/o pay [Signature]*

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On  the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to

Employee Signature:	Witness Signature:
Date:	Date:

Page 2

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
**(Use Black Ink Only)**

Employee  
**Name:**  
 (First/Last Name)

Lee Simmons

S# 5291  
 Emp.# 8140

Case#: AI2020-016

On 05/06/2020, a case was opened based on an allegation of excessive force involving Shelby County Sheriff's Office (SCSO) Corrections Deputy Lee Simmons, S-5291, currently assigned to the 10 p.m. to 6 a.m. shift of the Shelby County Jail located at 201 Poplar Avenue.

Offender Management System (OMS) report #20-0326-982, written by Corrections Deputy Simmons, reported the following sequence of events. On 03/26/2020, at 0042 hours, Officer Simmons was alerted to a verbal threat made by inmate Deandre Mitchell booking number 20105418, in the proximity of Corrections Deputy S. Brown, S#6676, in the intake area of the Shelby County Jail. According to Simmons, Brown was attempting to escort Mitchell to inmate housing when the incident took place. Prior to this incident, Mitchell assaulted another inmate earlier that evening and he was confined to tank #9 and restricted from using the telephone. During his confinement in tank #9, Mitchell became agitated and made threats to shoot several officers in the intake area and he said he knew where they parked. When Mitchell was allowed to exit the tank, he continued to make threats in the presence of Officer Brown, who instructed him to cease his actions. Mitchell refused Brown's directives by raising his voice and making more threats. Simmons stated that he, along with Officers J. Ford, and A. Jones, responded to the threat because of Mitchell's refusal to comply and for Officer Brown's safety.

Simmons said Ford also gave Mitchell several directives to cease his threats, step to the wall, and place his hands behind his back. Mitchell refused and stepped into Ford's personal space in a threatening manner striking Ford in the body. Simmons said he reacted by applying an open hand strike to Mitchell's upper body. Mitchell responded by continuing to refuse directives and became physically combative towards Ford and Simmons. According to Simmons, both he and Ford defended themselves by striking Mitchell to the upper body until Mitchell ceased his actions and became compliant. At that point, Simmons and Ford stopped their actions and allowed Gang Intelligence Unit (GIU) Officer S. Hodges to apply handcuffs, then Mitchell was escorted to medical by Detention Response Team (DRT). Mitchell was examined by Nurse Turner at 0050 hours, deemed free of injury, and did not require further medical assistance. Mitchell was escorted from medical and released from the facility without further incident. A code blue was called in response to this incident at 0045 hours. Sergeant L. Bryant, Intake Supervisor, responded and provided directives. A copy of the initial incident report displays Corrections Deputy Monica Henderson, S#6107, assigned to Intake on the 10 p.m. to 6 a.m. shift, as the author. Nadia spoke to Henderson on 06/19/2020, who explained that Simmons had ongoing log in difficulties, so she allowed him to use her log in information. Henderson denied completing the incident report and added she was off work on 03/26/2020. Clerical Specialist M. Johnson confirmed Henderson's claims. All appropriate personnel were notified of this incident. No chemical agents were used during this incident.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Pre-Disciplinary Hearing Notice Addendum</b> <b>(Use Black Ink Only)</b>			
Employee Name: <small>(First/Last Name)</small>	Lee Simmons	S# 5291 Emp.# 8140	Case#: AI2020-016
<p>The facts, statements, and documents pertinent to this case indicate that <b>Corrections Deputy Lee Simmons, S-5291</b>, did violate the following Shelby County Sheriff's Office Policies and Procedures in effect at the time of the incident:</p> <p><b><u>SOR 301 EXCESSIVE FORCE</u></b></p> <p>A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <p>B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.</p> <p>C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)</p> <ul style="list-style-type: none"> <li>• On 03/26/2020, Corrections Deputy Lee Simmons, S#5291, used excessive force against inmate Deandre Mitchell during an altercation. Simmons failed to utilize alternative measures and did not give Mitchell a reasonable amount of time to comply with directives given before he escalated to an unnecessary level of force. Simmons' actions led to an altercation with the potential for serious injury involving several officers.</li> </ul> <p><b><u>SOR 601 COMPLETING OFFICIAL REPORTS</u></b></p> <p>All employees will make reports promptly, accurately, completely, and in full conformity with specifications of SCSO as required by their job position. All employees will make all necessary reports as required as soon as possible and practicable before going off duty. Employees must not make false reports.</p> <ul style="list-style-type: none"> <li>• On 03/26/2020, Corrections Deputy Lee Simmons completed OMS report #20-0236-982, in which he wrote that inmate Mitchell stepped into Ford's personal space in a threatening manner, striking Ford in the body. Video surveillance footage revealed that Ford advanced into Mitchell's personal space and Simmons initiated the physical altercation by striking Mitchell. Mitchell appeared to have his head down, an open right hand, and relaxed shoulders. Ford wasn't struck until Mitchell started to defend himself later in the altercation. Simmons failed to accurately report the events in the sequence that they occurred.</li> </ul>			



## *Shelby County Sheriff's Office*

*Floyd Bonner Jr., Sheriff 201 Poplar Av. Memphis, TN 38103  
(901) 222-5500*

March 10, 2020  
201 Poplar Avenue  
Memphis, TN 38103

**Hand Delivered**

RE: Hearing Results AI2020-016

Officer Lee Simmons

An Administrative Pre-Disciplinary Hearing was convened to hear case **SI2020- 016** on Thursday July 9, 2020. I was present as Chief Jailer K. Fields designee. You were represented by Officer J. Wilhite of AFSME. The disciplinary action is due to violations of the following Shelby County Sheriff's Office Standard Operating Rules and Regulations.

SOR 301 Excessive Force  
SOR 601 Completing Official Reports

I have carefully considered and reviewed all related information submitted by BPSI, read the incident report and reviewed the related video. I have also carefully considered the information provided by you during the pre-disciplinary hearing.

Officer Simmons after viewing the video repeatedly, I can see no true reason for your actions. The inmate did not have a hostile posture and both arms were at his side. He was indeed facing Officer Ford but there were a total of four officers around the inmate. You hit him from behind with a closed fist in the facial area. The inmate did not swing at any staff member during this incident. The action taken by the inmate was attempts to block the blows by staff.

That being said, when a staff member feels threatened or has the perception of a threat, the staff member should use judgement and experience to guide the response. Twenty-one years as a corrections deputy should have tempered your response.

I do realize that you did not have a proper opportunity to complete the necessary reports.

With all factors taken into consideration and with the guidance of the SCSO Disciplinary Matrix, your discipline is to be ten (10) days suspension without pay and mandatory remedial Use of Force training to be conducted by the SCSO training academy staff.




AI2020-016 continued:

Please note that you have seven (7) days from the receipt of this notice to appeal the decision to the next level of supervision which will be a Jail Assistant Chief.

Respectfully

  
George P. Askew, Jr. Chief Inspector Jail Administration

Received by:   
Date: 7/30/2020

B. 11F

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>			<b>Case #:</b>	
<b>Disciplinary Action Form</b>			<b>SI2020-185</b>	
<b>(Use Black Ink Only)</b>				
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>				
Employee Name: <small>(First/Last Name)</small>	<b>Camry Porter</b>	S# 10000	Emp.# 19515	Date Served: <b>6/2/2020</b>
Job Classification/Rank:	<b>Jail Sergeant</b>	Unit/Section/Bureau: <b>SCSO/JAIL</b>		
Type/Extent of Disciplinary Action:	<b>Three (3) days suspension without pay</b>			
Standard Operating Rule Violation(s):				
<b>SOR 301 Excessive Force</b>				
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary:				
<b>See attached Disciplinary Action Form addendum, page 2</b>				
Expected Improvement:				
<b>Sergeant Porter is expected to follow all rules, regulations, policies and procedures when dealing with incidents.</b>				
Has employee been disciplined previously for the same type of infraction?		Yes	No	x
Supervisor's Title/Signature:				Date: <b>6/2/20</b>
Manager's Title/Signature:		<b>Capt. S. Gentry</b>		Date: <b>3/23/2020</b>
Appointing Authority's Title/Signature:		Date:		
Employee's Comments:				
Employee's Signature:				Date: <b>6/2/2020</b>
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.</b></p>				
Explain absence of employee's signature:				
Manager/Supervisor's Signature:		Date:		
Witness' Signature: (If applicable)		Date:		

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
**(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Camry Porter</b>	<b>S# 10000</b> Emp.# 19515	Case#: <b>S12020-185</b>
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On Monday, January 13, 2020, at 1753 hours, inmate Dylan Carlisle, booking number 19113028, was being escorted from the fourth floor to second floor medical by Sergeant Camry Porter S#10000 and Officer Allen Johnson, S#10608 at 1514 hours. I, (Captain L. Dotson, S#3009) viewed the surveillance footage and it showed as inmate Carlisle was being escorted down the escalator, he and Sergeant Porter were exchanging words. Surveillance footage then shows Sergeant Porter pulling inmate Carlisle from the back of his head and putting her arm around his neck. Officer Johnson immediately gets between them separating them. Sergeant Porter was grabbed by several other staff to gain control of the situation. She was taken to the third floor Southside sally port area while Officer Johnson continued to take inmate Carlisle to second floor medical. Sergeant Porter is being charged with SOP 301 Excessive Force for grabbing inmate Carlisle from the back of his head and putting her arm around his neck.

**SOR 301 Excessive Force**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Policies # 506 Law Enforcement – Use of force/Chemical Agents/Restraints and # 806 Jail – Use of force /Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects, and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. An employee will not use force against any person that is unprovoked, needless, or not required during the performance of his/her official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

D. An employee will not allow a prisoner or other person in his/her custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- I, (Captain L. Dotson, S#3009), viewed surveillance footage and it showed as inmate Carlisle was being escorted down the escalator he and Sergeant Porter were exchanging words.
- Surveillance footage then shows Sergeant Porter pulling inmate Carlisle from the back of his head and putting her arm around his neck.

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
 (Use Black Ink Only)

Employee Name/Rank: (First/Last Name)	<b>Camry Porter C/D</b>	S#:10000 Emp.# 19515	Case#: <b>SI2020-185</b>
Unit/Section/ Bureau:	<b>SCSO/JAIL</b>	Charging/Investigating Officer/Supervisor/Manager:	<b>Captain L. Dotson S# 3009</b>

Date of Policy Violation: **On 1/13/2020**

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):

**SOR 301- EXCESSIVE FORCE**

Incident Summary:

**See attached Pre-Disciplinary Hearing Notice Addendum, page 2**

Scheduled Hearing Day, Date, Time & Location: **Tuesday, March 17, 2020 1500 hrs 201 Poplar**

I acknowledge receipt of this notification:  *Camry Porter* Signature: *Camry Porter* Date: **3/10/2020** Time: **2:37 hrs**

Notifying Supervisor/Manager/ Disciplinary Review Rep.  *M. Powell* Signature: *M. Powell* Date: **3/10/2020** Time: **2:35 hrs**

Employee's Initials & Date: *CP* **3/10/2020**

This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.

Hearing Results/Recommendations:

**Three (3) days suspension w/o pay**

Date: **3/23/2020** Hearing Officer: **Capt. L. Talley**

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On  the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to **Three (3) days suspension without pay**

Employee Signature: \_\_\_\_\_ Witness Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
**(Use Black Ink Only)**

Employee Name: <small>(First/Last Name)</small>	<b>Camry Porter</b>	<b>S#: 10000</b> Emp.# 19515	<b>Case#: SI2020-185</b>
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On Monday, January 13, 2020, at 1753 hours, inmate Dylan Carlisle, booking number 19113028, was being escorted from the fourth floor to second floor medical by Sergeant Camry Porter S#10000 and Officer Allen Johnson, S#10608 at 1514 hours. I, (Captain L. Dotson, S#3009) viewed the surveillance footage and it showed as inmate Carlisle was being escorted down the escalator, he and Sergeant Porter were exchanging words. Surveillance footage then shows Sergeant Porter pulling inmate Carlisle from the back of his head and putting her arm around his neck. Officer Johnson immediately gets between them separating them. Sergeant Porter was grabbed by several other staff to gain control of the situation. She was taken to the third floor Southside sally port area while Officer Johnson continued to take inmate Carlisle to second floor medical. Sergeant Porter is being charged with SOP 301 Excessive Force for grabbing inmate Carlisle from the back of his head and putting her arm around his neck.

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  - B. An employee will not use force against any person that is unprovoked, needless, or not required during the performance of his/her official duties.
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  - D. An employee will not allow a prisoner or other person in his/her custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.
- I, (Captain L. Dotson, S#3009), viewed surveillance footage and it showed as inmate Carlisle was being escorted down the escalator he and Sergeant Porter were exchanging words.
  - Surveillance footage then shows Sergeant Porter pulling inmate Carlisle from the back of his head and putting her arm around his neck.

**Bowden-Powell, Marilyn**

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**From:** Talley, Lawanda  
**Sent:** Thursday, March 19, 2020 10:04 AM  
**To:** Bowden-Powell, Marilyn  
**Subject:** Disciplinary Action Form (Case SI2020-185) Sergeant Camry Porter S#10000

Good morning,

I have made my decision for the charge of Excessive Force regarding Sergeant Camry Porter. The recommended 3 day suspension will stand.

Thank you,

*B. Jim*

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>				<b>Case #:</b>	
<b>Disciplinary Action Form</b>				<b>SI2020-328</b>	
<b>(Use Black Ink Only)</b>					
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>					
Employee Name: <small>(First/Last Name)</small>		Latricia Edwards		s# 9572	Employee#: 18221
				Date Served: <i>6/12/2020</i>	
Job Classification/Rank:			S.C.S.O. Jail Division		
Type/Extent of Disciplinary Action:			S.C.S.O. Jail Division		
Oral Reprimand					
SOR 301 EXCESSIVE FORCE					
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary					
See attached Disciplinary Action Form Addendum, page 2					
Expected Improvement:					
Officer L. Edwards is expected to adhere to the responsibilities of her work related assigned duties.					
Has employee been disciplined previously for the same type of infraction?				Yes	No
				X	
				Date: 5/25/2014/ Oral	
Supervisor's Title/Signature:				Date: 6/11/20	
<i>[Signature]</i>					
Manager's Title/Signature:				Date: 6-12-20	
<i>H. G. Hillman</i>					
Appointing Authority's Title/Signature:				Date:	
Employee's Comments:					
Employee's Signature: <i>* Latricia Edwards</i>				Date: <i>6/12/2020</i>	
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.</b></p>					
Explain absence of employee's signature:					
Manager/Supervisor's Signature:				Date:	
Witness' Signature: (If applicable)				Date:	

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>			
Employee Name: <small>(First/Last Name)</small>	<b>Latricia Edwards</b>	S#:9572 Employee# 18221	Case#: <b>S12020-328</b>
<p>On March 28, 2020 at 0740 hours a code blue was called by Officer L. Edwards S# 9572 in lower level alpha pod. This incident occurred between Officer Edwards and inmate Ralph Johnson booking number 20107557 where chemical agents was disbursed. After reviewing surveillance it was determined that time permitted for inmate Johnson's door to be secured until assistance arrived to the scene of the incident. Per Officer Edward's memo "When I mentioned spray inmate Johnson moved backwards some in pulled the cover completely out the toilet." meaning that inmate Johnson did not pose a threat at the time of the incident and retreated to the back of his cell.</p> <p><b>SOR 301 EXCESSIVE FORCE</b></p> <p>A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <p>B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.</p> <p>C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)</p> <p>D. All employees will not allow a prisoner or other person in their custody to be physically or</p> <p><b>TO WIT: JAIL - USE OF FORCE/CHEMICAL AGENTS/RESTRAINTS</b></p> <p><b>806.14 CHEMICAL AGENTS</b></p> <p>K. Chemical agents must not be used as follows:</p> <p>2. against an inmate(s) when he or she no longer presents a danger;</p> <ul style="list-style-type: none"> <li>• After reviewing surveillance it was determined that time permitted for inmate Johnson's door could be secured until assistance arrived to the scene of the incident.</li> <li>• Per Officer Edward's memo "When I mentioned spray inmate Johnson moved backwards some in pulled the cover completely out the toilet." meaning that inmate Johnson did not pose a threat at the time of the incident retreated to the back of his cell.</li> </ul>			





**Shelby County Sheriff's Office**  
**Floyd Bonner Jr., Sheriff**  
**201 Poplar Avenue Memphis, TN 38103**  
**(901) 222-5500**

**Interoffice Memo**

**To:** Sergeant C. Morris  
**From:** Officer L. Edwards S# 9572  
**Date:** 06/03/2020  
**Subject:** Incident Number 20-052-8455

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On May 28, 2020, there was an incident that occurred in Lower Level A-Pod between I and inmate Ralph Johnson, booking number 20107557. On the day in question, there was a lot occurring within the housing unit. I rolled several doors for physical assessments being conducted at the end of the hallway. Inmate Johnson was one of the inmates needed but he never exited the cell. I entered the housing unit to ensure that he was awake. As I approached the rear of the pod, I saw a liquid substance of the floor but did not pay it any immediate attention due to inmates at the middle and front of the housing unit talking to me. I answered several questions before I returned to the rear of the pod where inmate Johnson was housed in cell 11. This particular time I addressed the issue as to why there was what appeared to be urine, coffee and water on the floor. Several inmates informed me that inmate Johnson had thrown those items into the dayroom area, however it was never observed by me. I spoke with the inmates who were in an uproar and got them to calm down and have a seat on their bunk. I then spoke with inmate Johnson about the allegations and he admitted to throwing the liquid into the dayroom and confirmed it was urine. I asked inmate Johnson what led to him behaving in such a manner and he told me because he did not like them. I informed inmate Johnson that his behavior was unacceptable and would not be tolerated. Inmate Johnson did not think anything was wrong with his actions because he did not do it to me. I gave inmate Johnson several loud verbal directives to turn around face the catwalk and place his hands behind his back so I could secure him in handcuffs. Inmate Johnson refused to comply with all orders. Instead inmate Johnson turned sideways with his hands behind him moving side to side. I gave inmate Johnson several additional orders to turn around face the catwalk and place his hands behind his back and he still refused to comply. I leaned backwards due to being frustrated with the entire situation and not wanting to spray inmate Johnson. I also informed him that I needed him to comply because I did not want to spray him. When I mentioned spray inmate Johnson move backwards some in pulled the cover completely out the toilet. There was an inmate talking and I told inmate Johnson to ignore him. At that time inmate Johnson threw the unknown liquid substance which made direct contact with me and as a reaction I immediately sprayed him with one burst of freeze plus p and placed him on the wall. I called for assistance and security staff arrived. Inmate Johnson was secured in handcuffs and escorted to second floor medical.

Respectfully Submitted,

06/03/2020

Officer LaTricia Edwards

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>S12020-376</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

Employee Name: <small>(First/Last Name)</small> <b>Talisha Halliburton</b>	S# <b>9119</b>	Employee#: <small>15898</small>	Date Served: <b>7/14/2020</b>
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Job Classification/Rank: <b>Sergeant</b>	Unit/Section/ Bureau: <b>SCSO/Jail East</b>
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Type/Extent of Disciplinary Action: **Three (3) days suspension without pay / Training**

Standard Operating Rule Violation(s):

**SOR 301 EXCESSIVE FORCE**  
**SOR 102 UNSATISFACTOR PERFORMANCE**

Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):

**See attached Disciplinary Action Form addendum, page 2**

Expected Improvement:

**Sergeant Halliburton is expected to follow proper protocol in subduing a disruptive inmate.**

Has employee been disciplined previously for the same type of infraction?    Yes        No        Date:

Supervisor's Title/Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager's Title/Signature: *\* Captain Barnett* Date: **7-14-2020**

Appointing Authority's Title/Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's Comments:

Employee's Signature: *\* Talisha Halliburton 9119* Date: **7-14-2020**

**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

Explain absence of employee's signature:

Manager/Supervisor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness' Signature: (If applicable) \_\_\_\_\_ Date: \_\_\_\_\_

**SHELBY COUNTY SHERIFF'S OFFICE  
Disciplinary Action Form Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Talisha Halliburton</b>	S#: <b>9119</b> Emp# 15898	Case#: <b>SI2020-376</b>
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On Sunday, July 5, 2020 around 1618 hours, a call for officer assistance was announced in Jail East D Pod. Sergeant Halliburton responded to the call to assist amongst other staff. Inmate Katrina Boone booking 18204426 had become irate slinging an item off of the Officer's workstation and refusing all orders given. Sergeant Halliburton attempted to assist staff in subduing Inmate Boone. Inmate Boone did fall to the floor during the struggle. Inmate Boone continued to struggle with staff as they applied handcuff to her. While staff attempted to cuff Inmate Boone, Sergeant Halliburton kicked her in the buttock area. This force was needless and unreasonable. Sergeant Halliburton failed to maintain sufficient competency in performing her duty properly.

**SOR 301 EXCESSIVE FORCE**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

D. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- Sergeant Halliburton used unnecessary force.
- Sergeant Halliburton force was unreasonable.

**SOR 102 UNSATISFACTORY PERFORMANCE**

All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.

- Sergeant Halliburton failed to maintain sufficient competency.

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**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
**(Use Black Ink Only)**

Employee Name/Rank: <small>(First/Last Name)</small>	Talisha Halliburton / Sergeant	S#: 9119 Employee # 18226	Case#: SI2020-376
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Unit/Section/ Bureau:	SCSO/Jail East	Charging/Investigating Officer/Supervisor/Manager:	Lieutenant J. Jones
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Date of Policy Violation: Sunday, July 5, 2020

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	SOR 301 EXCESSIVE FORCE SOR 102 UNSATISFACTORY PERFORMANCE
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Incident Summary:

See attached Pre-Disciplinary Hearing Notice addendum, page 2

Scheduled Hearing Day, Date, Time & Location: *Tuesday, July 14, 2020 1400 hrs. Jail East*

I acknowledge receipt of this notification:

Signature: *Talisha Halliburton* Date: *7-6-2020* Time: *1336*

Notifying Supervisor/Manager/  
Disciplinary Review Rep. *M Powell* *7/6/2020* *1352*

Signature: *M Powell* Date: *7/6/2020* Time: *1352*

Employee's Initials & Date <i>TH</i> <i>7-6-2020</i>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.
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Hearing Results/Recommendations: *& re commend 3 Days suspension w/o pay*

Date: *7-14-20* Hearing Officer: *Captain Barnett*

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On  the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to **Three (3) days suspension without pay**

Employee Signature:	Witness Signature:
Date:	Date:

Original with any attachments to SCSO B.P.S.I. Disciplinary Review Section  
 Copy with applicable attachments to Employee  
 300.05 Pre-Disciplinary Hearing Notice

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
*(Use Black Ink Only)*

Employee Name: (First/Last Name)	<b>Talisha Halliburton</b>	S#: Emp#	<b>9119</b> 15898	Case#:	<b>SI2020-376</b>
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On Sunday, July 5, 2020 around 1618 hours, a call for officer assistance was announced in Jail East D Pod. Sergeant Halliburton responded to the call to assist amongst other staff. Inmate Katrina Boone booking 18204426 had become irate slinging an item off of the Officer's workstation and refusing all orders given. Sergeant Halliburton attempted to assist staff in subduing Inmate Boone. Inmate Boone did fall to the floor during the struggle. Inmate Boone continued to struggle with staff as they applied handcuff to her. While staff attempted to cuff Inmate Boone, Sergeant Halliburton kicked her in the buttock area. This force was needless and unreasonable. Sergeant Halliburton failed to maintain sufficient competency in performing her duty properly.

**SOR 301 EXCESSIVE FORCE**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

D. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- Sergeant Halliburton used unnecessary force.
- Sergeant Halliburton force was unreasonable.

**SOR 102 UNSATISFACTORY PERFORMANCE**

All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.

- Sergeant Halliburton failed to maintain sufficient competency.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>			<b>Case #:</b>		
<b>Disciplinary Action Form</b>			<b>SI2020-431</b>		
<b>(Use Black Ink Only)</b>					
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>					
Employee Name: <small>(First/Last Name)</small>		<b>LaTricia Edwards</b>	s# <b>9572</b>	Employee#: <b>18221</b>	Date Served: <b>8/27/2020</b>
Job Classification/Rank:			Unit/Section/ Bureau:		
<b>Corrections Deputy</b>			<b>SCSO Jail Division</b>		
Type/Extent of Disciplinary Action: <b>One (1) day suspension without pay</b>					
Standard Operating Rule Violation(s):					
<b>SOR 301 Excessive Force</b>					
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):					
<b>See attached Disciplinary Action Form addendum, page 2</b>					
Expected Improvement:					
<b>Officer Edwards is expected to follow all county policies.</b>					
Has employee been disciplined previously for the same type of infraction?    Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Date: <b>3/28/2020</b>					
Supervisor's Title/Signature: <b>Sergeant J Funk + Lewis</b>				Date: <b>8/27/2020</b>	
Manager's Title/Signature: <b>Lt. E. Bunting 6486</b>				Date: <b>8/25/20</b>	
Appointing Authority's Title/Signature:				Date:	
Employee's Comments:					
Employee's Signature: <b>LaTricia Edwards</b>				Date: <b>8-27-20</b>	
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.</b></p>					
Explain absence of employee's signature:					
Manager/Supervisor's Signature:				Date:	
Witness' Signature: (If applicable)				Date:	

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments  
 300.06 Disciplinary Action Form

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
*(Use Black Ink Only)*

Employee  
 Name:  
 (First/Last Name)

**LaTricia Edwards**

S#: **9572**  
 Emp# 18221

Case#: **SI2020-431**

On 07/20/2020, at around 0730 hours, while conducting court call in Lower Level South A pod, I, (Sergeant Ford Jr.) heard loud commotion coming from the pod. As I approached the pod I saw Officer LaTricia Edwards S#9572, sitting on top of inmate D. Edwards booking number 20109573, striking him multiple times with a closed fist. Inmate Edwards was not swinging back at this time. After viewing the surveillance footage it was found that inmate Edwards was not facing officer Edwards at the time he was assaulted but was speaking and looking at another detainee. Officer Edwards struck inmate Edwards in the face with a closed fist then placed him in a headlock taking him to the ground and straddling him. Inmate Edwards did not defend himself during this entire incident. Officer Edwards was informed she is being referred to EAP.

**SOR 301 Excessive Force**

An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person.

- Officer Edwards stated she felt threatened.
- Officer Edwards struck inmate Deante Edwards first in the face with a closed fist
- Inmate D. Edwards did not fight back.
- Officer Edwards continued to attack inmate Edwards while he was done even though he was not fighting back.

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
 (Use Black Ink Only)

Employee Name/Rank: (First/Last Name)	<b>LaTricia Edwards C/D</b>	S#: 9572 Employee #	<b>18221</b>	Case#:	<b>SI2020-431</b>
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Unit/Section/ Bureau:	<b>SCSO Jail Division</b>	Charging/Investigating Officer/Supervisor/Manager:	<b>Sergeant J. Ford Jr.</b>
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Date of Policy Violation: **On 07/20/2020**

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	<b>SOR 301 Excessive Force</b>
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Incident Summary:  
  
**See attached Pre-Disciplinary Hearing Notice addendum, page 2**

Scheduled Hearing Day, Date, Time & Location: **Monday, August 24, 2020 10AM 201 Rptn**

I acknowledge receipt of this notification: **J Edwards** **8/21/2020** **1355**

Notifying Supervisor/Manager/  
Disciplinary Review Rep. **M Powell** **8/21/2020** **1355 hrs**

Employee's Initials & Date <b>JPE</b> <b>8/21/20</b>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.
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Hearing Results/Recommendations:  
  
**one day suspension without pay**

Date: **8/25/20** Hearing Officer: **Lt. E. Bunting 6486**

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On  the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to **Five (5) days suspension without pay**

Employee Signature: **J Edwards** Witness Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_ Date: \_\_\_\_\_

Original with any attachments to SCSO B.P.S.I. Disciplinary Review Section  
 Copy with applicable attachments to Employee  
 300.05 Pre-Disciplinary Hearing Notice



**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
*(Use Black Ink Only)*

Employee Name: (First/Last Name)	<b>LaTricia Edwards</b>	S#: 9572 Emp# 18221	Case#: <b>SI2020-431</b>
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On 07/20/2020, at around 0730 hours, while conducting court call in Lower Level South A pod, I, (Sergeant Ford Jr.) heard loud commotion coming from the pod. As I approached the pod I saw Officer LaTricia Edwards S#9572, sitting on top of inmate D. Edwards booking number 20109573, striking him multiple times with a closed fist. Inmate Edwards was not swinging back at this time. After viewing the surveillance footage it was found that inmate Edwards was not facing officer Edwards at the time he was assaulted but was speaking and looking at another detainee. Officer Edwards struck inmate Edwards in the face with a closed fist then placed him in a headlock taking him to the ground and straddling him. Inmate Edwards did not defend himself during this entire incident. Officer Edwards was informed she is being referred to EAP.

**SOR 301 Excessive Force**

An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person.

- Officer Edwards stated she felt threatened.
- Officer Edwards struck inmate Deante Edwards first in the face with a closed fist
- Inmate D. Edwards did not fight back.
- Officer Edwards continued to attack inmate Edwards while he was down even though he was not fighting back.

**Bowden-Powell, Marilyn**

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**From:** Bunting, Erika  
**Sent:** Monday, August 24, 2020 11:53 AM  
**To:** Bowden-Powell, Marilyn  
**Subject:** Officer L. Edwards

After reviewing the surveillance video, I didn't see where the inmate posed a threat to Officer L. Edwards when she struck Inmate D. Edwards. I spoke to Sergeant J. Ford, he stated, Officer Edwards has improved with communicating with him and is recommending a one day suspension without pay. The disciplinary action has been reduced to a one day suspension without pay.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>			Case #:	
<b>Disciplinary Action Form</b>			<b>S12020-456</b>	
<b>(Use Black Ink Only)</b>				
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>				
Employee Name: <small>(First/Last Name)</small>	<b>Stevon Jones</b>	s# <b>10378</b>	Employee#: 20722	Date Served: <b>8/25/2020</b>
Job Classification/Rank:	<b>Corrections Deputy</b>		Unit/Section/ Bureau:	<b>SCSO Jail Division</b>
Type/Extent of Disciplinary Action:	<b>Ten (10) days suspension without pay</b>			
<b>SOR 301 EXCESSIVE FORCE</b>				
<b>SOR 102 UNSATISFACTORY PERFORMANCE</b>				
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary				
<b>See attached Disciplinary Action Form Addendum, page 2</b>				
Expected Improvement:				
<b>Officer S. Jones is expected to adhere to the responsibilities of his work related assigned duties.</b>				
Has employee been disciplined previously for the same type of infraction?		Yes	<input checked="" type="checkbox"/>	No
				Date: <b>3/28/2017</b>
Supervisor's Title/Signature:	<b>D. Justin #5375</b>			Date: <b>8/25/20</b>
Manager's Title/Signature:	<b>[Signature]</b>			Date: <b>8/25/20</b>
Appointing Authority's Title/Signature:				Date:
Employee's Comments:				
Employee's Signature: <b>X S Jones 10378</b>				Date: <b>X glas/ao</b>

**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

Explain absence of employee's signature:	
Manager/Supervisor's Signature:	Date:
Witness' Signature: <small>(If applicable)</small>	Date:

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Disciplinary Action Form Addendum**  
*(Use Black Ink Only)*

Employee Name: (First/Last Name)	<b>Stevon Jones</b>	S#:10378 Employee 20722	Case#: <b>SI2020-456</b>
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On July 20, 2020 at 1515 hours, I responded to a Code Blue in First Floor Echo Pod. When I arrived on the scene I was informed that Officer Stevon Jones Service Number #10378 was involved in an altercation with inmate Elvis Hester booking number #20108302 who is housed in cell number #17. I reviewed the footage of the incident from the Surveillance Room and it showed the following: Officer Jones handcuffed inmate Hester's cellmate Tyrec Paylor Booking Number #20100935 through the security flap. The cell door opened and inmate Paylor exited the cell handcuffed and walked to the shower area without being escorted by Officer Jones. At no time did Officer Jones give the Door Rollers an order to secure the cell once inmate Paylor exited the cell. Officer Jones appeared to be talking to inmate Hester. Officer Jones stepped closer to inmate Hester's cell, takes out his chemical agent, and shakes his spray and deployed chemical agent inside inmate Hester's cell. At that time, Officer Jones immediately rushed inside inmate Hester's cell and an altercation ensued between him and inmate Hester. The video footage also showed that at no time did inmate Hester step out of the cell towards Officer Jones. During the altercation inmate Hester sustained injuries to his head. Officer Jones is being charged with SOR 350 (Unnecessary Force) Refer to SOR 301 (Excessive Force) and SOR 102 (Unsatisfactory Job Performance).

**SOR 301 EXCESSIVE FORCE**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail - Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

- The video footage shows Officer Stevon Jones stepped closer to inmate Hester's cell, takes out his chemical agent and shakes his spray and deployed chemical agent inside of inmate Hester's cell.
- The video footage shows that once Officer Stevon Jones deployed chemical agent inside of inmate Hester's cell, he immediately rushed inside of inmate Elvis Hester cell and an altercation occurred.
- The video footage also showed inmate Hester's never stepped outside of his cell in an aggressive manner toward Officer Stevon Jones.
- The video footage shows that time permitted for Officer Stevon Jones to have the door roller to secure inmate Hester's cell once his cellmate exit the cell his shower.

**SOR 102 UNSATISFACTORY PERFORMANCE**

All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.

- The video footage shows Officer Stevon Jones handcuffing inmate Tyrec Paylor through the security flap and once inmate Paylor exit the cell in handcuffs, Officer Jones allowed the inmate to walk to the shower area without being escorted and secured in the shower area.

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<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Pre-Disciplinary Hearing Notice</b> <b>(Use Black Ink Only)</b>		
<b>Employee Name/Rank:</b> <b>Stevon Jones C/D</b> <small>(First/Last Name)</small>	<b>S#: 10378</b> <b>Employee #</b> 20722	<b>Case#:</b> <b>SI2020-456</b>
<b>Unit/Section/ Bureau:</b> <b>SCSO Jail Division</b>	<b>Charging/Investigating Officer/Supervisor/Manager:</b> <b>Sergeant L. Austin S#5515</b>	
<b>Date of Policy Violation:</b> <b>JULY 20, 2020</b>		
Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	<b>SOR 301 EXCESSIVE FORCE</b> <b>SOR 102 UNSATISFACTORY PERFORMANCE</b>	
<b>Incident Summary:</b>  See attached Pre-Disciplinary Hearing Notice Addendum, page 2		
<b>Scheduled Hearing Day, Date, Time &amp; Location:</b> <i>Tuesday, August 25, 2020 1430hrs. 201 Poplar</i>		
<b>I acknowledge receipt of this notification:</b> <i>S. Jones 10378</i> Signature: <i>[Signature]</i> Date: <i>08-18-2020</i> Time: <i>1655</i>		
<b>Notifying Supervisor/Manager/ Disciplinary Review Rep.</b> <i>[Signature]</i> Signature: <i>[Signature]</i> Date: <i>8/18/2020</i> Time: <i>1655 hrs</i>		
<b>Employee's Initials &amp; Date</b>  <i>SJ</i>  <i>1655</i>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.	
<b>Hearing Results/Recommendations:</b> <i>Upheld 10 Days Suspension w/o pay</i>		
<b>Date:</b> <i>8/25/20</i> <b>Hearing Officer:</b> <i>[Signature]</i> <i>S#4752</i>		

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On  the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to

Employee Signature: _____ Date: _____	Witness Signature: _____ Date: _____
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Original with any attachments to SCSO B.P.S.I. Disciplinary Review Section  
 Copy with applicable attachments to Employee  
 300.05 Pre-Disciplinary Hearing Notice

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
**(Use Black Ink Only)**

Employee  
Name:  
(First/Last)

**Stevon Jones**

S#: **10378**  
Employee#  
20722

Case#: **SI2020-456**

On July 20, 2020 at 1515 hours, I responded to a Code Blue in First Floor Echo Pod. When I arrived on the scene I was informed that Officer Stevon Jones Service Number #10378 was involved in an altercation with inmate Elvis Hester booking number #20108302 who is housed in cell number #17. I reviewed the footage of the incident from the Surveillance Room and it showed the following: Officer Jones handcuffed inmate Hester's cellmate Tyrec Paylor Booking Number #20100935 through the security flap. The cell door opened and inmate Paylor exited the cell handcuffed and walked to the shower area without being escorted by Officer Jones. At no time did Officer Jones give the Door Rollers an order to secure the cell once inmate Paylor exited the cell. Officer Jones appeared to be talking to inmate Hester. Officer Jones stepped closer to inmate Hester's cell, takes out his chemical agent, and shakes his spray and deployed chemical agent inside inmate Hester's cell. At that time, Officer Jones immediately rushed inside inmate Hester's cell and an altercation ensued between him and inmate Hester. The video footage also showed that at no time did inmate Hester step out of the cell towards Officer Jones. During the altercation inmate Hester sustained injuries to his head. Officer Jones is being charged with SOR 350 (Unnecessary Force) Refer to SOR 301 (Excessive Force) and SOR 102 (Unsatisfactory Job Performance).

**SOR 301 EXCESSIVE FORCE**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail - Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

- The video footage shows Officer Stevon Jones stepped closer to inmate Hester's cell, takes out his chemical agent and shakes his spray and deployed chemical agent inside of inmate Hester's cell.
- The video footage shows that once Officer Stevon Jones deployed chemical agent inside of inmate Hester's cell, he immediately rushed inside of inmate Elvis Hester cell and an altercation occurred.
- The video footage also showed inmate Hester's never stepped outside of his cell in an aggressive manner toward Officer Stevon Jones.
- The video footage shows that time permitted for Officer Stevon Jones to have the door roller to secure inmate Hester's cell once his cellmate exit the cell his shower.

**SOR 102 UNSATISFACTORY PERFORMANCE**

All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.

- The video footage shows Officer Stevon Jones handcuffing inmate Tyrec Paylor through the security flap and once inmate Paylor exit the cell in handcuffs, Officer Jones allowed the inmate to walk to the shower area without being escorted and secured in the shower area.

26

315

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>				<b>Case #:</b>	
<b>Disciplinary Action Form</b>				<b>S12020-457</b>	
<b>(Use Black Ink Only)</b>					
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>					
Employee Name: <small>(First/Last Name)</small>		<b>Marico Johnson</b>		s# <b>10258</b>	Employee#: <b>20316</b>
				Date Served: <b>10/30/2020</b>	
Job Classification/Rank:			Unit/Section/Bureau:		
<b>Corrections Deputy</b>			<b>S.C.S.O. Jail Division</b>		
Type/Extent of Disciplinary Action:		<b>Ten (10) days suspension without pay</b>			
<b>SOR 301 EXCESSIVE FORCE</b>					
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary					
<b>See attached Disciplinary Action Form Addendum, page 2</b>					
Expected Improvement: <b>Officer M. Johnson is expected to adhere to the responsibilities of his work related assigned duties.</b>					
Has employee been disciplined previously for the same type of infraction?		Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
					Date:
Supervisor's Title/Signature:		<b>Sgt Peterson 7047</b>			Date: <b>10/30/20</b>
Manager's Title/Signature:					Date: <b>10/30/20</b>
Appointing Authority's Title/Signature:					Date:
Employee's Comments:					
Employee's Signature:				Date: <b>10-30-20</b>	

**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

Explain absence of employee's signature:	
Manager/Supervisor's Signature:	Date:
Witness' Signature: <small>(If applicable)</small>	Date:

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>			
Employee Name: <small>(First/Last Name)</small>	<b>Marico Johnson</b>	S#:10258 Employee 20316	Case#: <b>SI2020-457</b>
<p>On July 20, 2020 at 1725 hours, I, (Sergeant Buford) responded to a code blue called in third floor P-pod. This code blue was due to an officer/inmate altercation. This occurred between inmate Brandon Clay booking number 20103004 and Officer Marico Johnson S#10258. Surveillance Footage was reviewed on the incident and showed Officer M. Johnson was feeding the pod. Officer M. Johnson was feeding with a rockman one cell at a time due to the pod being lockdown. The pod was lockdown due to staff shortage. Once Officer Johnson made it to 3-P-18 the door was rolled open. Inmate B. Clay is housed in 3-P-18 walked out the cell with his belongings in his hand and nonthreatening. Officer M. Johnson sprayed inmate B. Clay with freeze plus p, inmate B. Clay turns and runs back into his cell. Officer M. Johnson goes in the cell behind him. Seconds later Officer M. Johnson can be seen at the door pulling inmate B. Clay out the cell by his shirt, slinging him clear across the pod to the other side.</p> <p><b>SOR 301 EXCESSIVE FORCE</b></p> <p>A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.</p> <p>B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.</p> <p>C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)</p> <p>D. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.</p> <ul style="list-style-type: none"> <li>• Surveillance Footage was reviewed on the incident and showed Officer M. Johnson was feeding the pod. Officer M. Johnson was feeding with a rockman one cell at a time due to the pod being lockdown. The pod was lockdown due to staff shortage.</li> <li>• Once Officer Johnson made it to 3-P-18 the door was rolled open. Inmate B. Clay is housed in 3-P-18 walked out the cell with his belongings in his hand and nonthreatening.</li> <li>• Officer M. Johnson sprayed inmate B. Clay with freeze plus p, inmate B. Clay turns and runs back into his cell. Officer M. Johnson goes in the cell behind him.</li> <li>• Seconds later Officer M. Johnson can be seen at the door pulling inmate B. Clay out the cell by his shirt, slinging him clear across the pod to the other side.</li> </ul>			



*John*

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
**(Use Black Ink Only)**

Employee Name/Rank: <small>(First/Last Name)</small>	<b>Marico Johnson C/D</b>	S#: 10258 Employee #	<b>20316</b>	Case#:	<b>SI2020-457</b>
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Unit/Section/ Bureau:	<b>SCSO Jail Division</b>	Charging/Investigating Officer/Supervisor/Manager:	<b>Sergeant A. Buford S#6541</b>
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Date of Policy Violation: **JULY 20, 2020**

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	<b>SOR 301 EXCESSIVE FORCE</b>
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Incident Summary:  
  
**See attached Pre-Disciplinary Hearing Notice Addendum, page 2**

Scheduled Hearing Day, Date, Time & Location: *Tuesday, October 27, 2020 1500hrs. 201 Poplar Ave.*

I acknowledge receipt of this notification: Signature: *[Signature]* Date: *10-22-20* Time: *1704*

Notifying Supervisor/Manager/ Disciplinary Review Rep. Signature: *[Signature]* Date: *10/22/2020* Time: *1705 hrs.*

Employee's Initials & Date <i>MJ 10-22-20</i>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.
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Hearing Results/Recommendations: *Ten days suspension w/0 pay*

Date: *10/27/20* Hearing Officer: *Lt CIAA #4752*

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On  the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to **Ten (10) days suspension without pay**

Employee Signature: \_\_\_\_\_ Witness Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_ Date: \_\_\_\_\_

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
*(Use Black Ink Only)*

Employee Name: (First/Last Name)	<b>Marico Johnson</b>	S#: <b>10258</b> Employee#20316	Case#: <b>SI2020-457</b>
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On July 20, 2020 at 1725 hours, I, (Sergeant Buford) responded to a code blue called in third floor P-pod. This code blue was due to an officer/inmate altercation. This occurred between inmate Brandon Clay booking number 20103004 and Officer Marico Johnson S#10258. Surveillance Footage was reviewed on the incident and showed Officer M. Johnson was feeding the pod. Officer M. Johnson was feeding with a rockman one cell at a time due to the pod being lockdown. The pod was lockdown due to staff shortage. Once Officer Johnson made it to 3-P-18 the door was rolled open. Inmate B. Clay is housed in 3-P-18 walked out the cell with his belongings in his hand and nonthreatening. Officer M. Johnson sprayed inmate B. Clay with freeze plus p, inmate B. Clay turns and runs back into his cell. Officer M. Johnson goes in the cell behind him. Seconds later Officer M. Johnson can be seen at the door pulling inmate B. Clay out the cell by his shirt, slinging him clear across the pod to the other side.

**SOR 301 EXCESSIVE FORCE**

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D. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- Surveillance Footage was reviewed on the incident and showed Officer M. Johnson was feeding the pod. Officer M. Johnson was feeding with a rockman one cell at a time due to the pod being lockdown. The pod was lockdown due to staff shortage.
- Once Officer Johnson made it to 3-P-18 the door was rolled open. Inmate B. Clay is housed in 3-P-18 walked out the cell with his belongings in his hand and nonthreatening.
- Officer M. Johnson sprayed inmate B. Clay with freeze plus p, inmate B. Clay turns and runs back into his cell. Officer M. Johnson goes in the cell behind him.
- Seconds later Officer M. Johnson can be seen at the door pulling inmate B. Clay out the cell by his shirt, slinging him clear across the pod to the other side.



**Shelby County Sheriff's Office**  
**Floyd Bonner Jr., Sheriff**  
**201 Poplar Avenue Memphis, TN 38103**  
**(901) 222-5500**

**Interoffice Memo**

**To:** Whom It may Concern  
**From:** Officer Donna Williams S#10629  
**Date:** 10/22/2020  
**Subject:**

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I, Officer D. Williams (service number 10629) was rolling doors on Three-Northside on July 20, 2020 during feeding in Three-Papa-Pod. While rolling the doors for Officer M. Johnson (service number 10258) to feed the pod, Three-papa-pod low-side, cells (1-9) were fed with no problem, as I rolled the door for cell eighteen that houses Inmate Brandon Clay I could see Officer Johnson with his hand up stating, "Don't step out". I observed Inmate clay exit his cell with his clothes in his hand and Officer Johnson spray him and the rockman that was passing trays was told to step to the side, at this time I closed the control panel and entered the pod and directed the hallway rockman to exit to the hallway as Officer Johnson called a code blue. Officer Johnson called the code blue because Inmate clay was being combative while Officer Johnson was trying to handcuff him to gain control of the situation.

Thank you for your time.

Officer D. Williams  
S#10629

10/22/2020

Today's Date: 10/23/2020 21:55

### Incident Summary

#### Incident Information

**Incident Occurred:** 7/14/20 17:00      **Reported By:** SF Staff  
**Report Date:** 7/14/20 17:01      **Reporting Officer:** 14284 ELLIS  
**Incident ID:** 20-0714-654      **Event Type:** Informal Infraction  
**Incident Location:** 3RD FLOOR P-POD      **Critical Event:**  
**Disciplinary Report:** Y      **Investigation:**      **Informal Discipline:** Y  
**Supervisor:** 6126 JEFFREYS  
**Date Approved:** 07/17/2020  
**Date Completed:**  
**Alternative ID:**

#### Inmate Involved

Inmate Name	Booking #	Involvement	Weapon	Medical	Force Used Upon	Disposition
CLAY, BRANDON	20103004	Participant				

#### Staff Involved

#### Visitors Involved

#### Initial Incident Report

**Incident Number:** 20-0714-654  
**Author:** Ellis  
**Incident Notes:** Date Recorded: 07/14/2020 17:14  
 On Tuesday, July 14, 2020 at about 1700 hours, while conducting Covid-19 cleaning in Third Floor P-Pod, I (Off. D. Ellis service number-7849) informed inmate Brandon Clay, booking number 20103004 housed in 3-P-18-lower to refrain from his disrespectful comments. He stated, " I don't want to hear that shit bitch write it up!" I informed inmate Clay his disrespect to staff and vulgar language will not be tolerated. Therefore, inmate Clay was informed he will be sanctioned lockdown for disrespect to staff and vulgar language. Sergeant C. Jeffreys service number-4503 was notified. No use of force or chemical agents were used.

#### Incident Summary

Today's Date: 10/23/2020 21:53

### Incident Summary

Incident Information			
Incident Occurred: 9/18/20 20:06	Reported By: SF Staff	Supervisor: 7403 BROWN	Date Approved: 09/18/2020
Report Date: 9/18/20 20:13	Reporting Officer: 20317 KING	Date Completed:	Alternative ID:
Incident ID: 20-0918-971	Event Type: Informational Purpose		
Incident Location: 3RD FLOOR P-POD	Critical Event:		
Disciplinary Report:	Investigation:	Informal Discipline: Y	

Inmate Involved	Booking #	Involvement	Weapon	Medical	Force Used Upon	Disposition
Inmate Name CLAY, BRANDON	20103004	Participant				
SEABROOK, STERLING C	20109228	Witness				

Staff Involved

Visitors Involved

**Initial Incident Report**

Incident Number: 20-0918-971  
 Author: line:king  
 Incident Notes Date Recorded: 09/18/2020 20:17

ON SEPTEMBER 18, 2020 ABOUT 2006 HOURS IN THIRD FLOOR PAPA POD, A TOTAL OF (4) CUPS USED FOR PILL CALL WAS SEEN ON EIGHTEEN CELL TABLE. INMATES BRANDON CLAY BOOKING NUMBER 20103004 AND STERLING SEABROOK BOOKING NUMBER 20109228 ARE HOUSED IN EIGHTEEN CELL. I GAVE A DIRECT ORDER TO GIVE ME THE CUPS OFF OF THE TABLE. INMATE CLAY STATED "WHAT CUPS MS. KING?" I GAVE ANOTHER DIRECT ORDER TO GIVE ME THE CUPS OFF THE TABLE. INMATE SEABROOK PASSED ME (2) CUPS. INMATE STERLING WAS SEEN REMOVING SOMETHING FROM THE CUPS. I GAVE INMATE STERLING ANOTHER DIRECT ORDER TO PASS ME THE CUPS AND DO NOT TAKE ANYTHING OUT OF THE CUPS. WHEN I RECEIVED ALL (4) OF THE CUPS THERE WAS A TOTAL OF (12) PILLS IN THE CUPS. CLAY P18 WAS WRITTEN ON THE CUPS. THE PILLS WERE TAKEN TO NURSE ALVAREZ TO IDENTIFY. NURSE ALVAREZ STATED " (4) OF THE PILLS WERE PENICILLIN AND THE REST (8 PILLS) WERE IBUPROFEN." SERGEANT S. BROWN WAS INFORMED OF THE PILLS AND WHAT THE IDENTITY OF THE PILLS. SERGEANT BROWN IS AWARE OF THIS INCIDENT. NO CHEMICAL AGENT OR FORCE WAS USED DURING THIS INCIDENT.

**Incident Summary**

Today's Date: 10/23/2020 21:53

### Incident Summary

<b>Incident Information</b>	
Incident Occurred: 9/18/20 16:20	Reported By: SF Staff
Report Date: 9/18/20 16:20	Reporting Officer: 21815 DAVIS
Incident ID: 20-0918-959	Event Type: Informal Infraction
Incident Location: 3RD FLOOR P-POD	Critical Event:
Disciplinary Report: N	Investigation: N
	Informal Discipline: Y
	Supervisor: 7403 BROWN
	Date Approved: 09/18/2020
	Date Completed:
	Alternative ID:

Inmate Involved	Booking #	Involvement	Weapon	Medical	Force Used Upon	Disposition
RALEY, BRANDON MICHAEL	19107597	Participant				
BAKER, BRODERICK D	19117881	Participant				
WEATHERSBY, STEVEN ANTONIO	19123085	Participant				
WILLIAMS, A J	19123366	Participant				
CLAY, BRANDON	20103004	Participant				
WILSON, CLARENCE	20104047	Participant				
WRIGHT, COURTNEY DARNELL	20104890	Participant				
WILLIAMSON, CEDRIC	20105951	Participant				
AGUZUA, DOMAKA VICTOR	20106228	Participant				
EVANS, BACARDIL	20107458	Participant				
BROWN, VICTOR L	20110703	Participant				
PAGE, DEONTRIZ M	20110944	Participant				
DAVIS, COREY CORTEZ	20111093	Participant				
WILLIAMS, JAMES K	20111344	Participant				
JOHNSON, MAURICE	20111824	Participant				
GRAGG, RANDY ROSHAY	20111838	Participant				
SEABROOK, STERLING C	20109228	Participant				
PARNELL, ROBERT WAYNE	20112204	Participant				
TRENELL, JOSHUA K	20109873	Participant				
BEAUREGARD, CHRISTOPHER	20110689	Participant				
RAWLS, JOSHUA	20111099	Participant				
JEFFERSON, DENZEL F	20111235	Participant				
TANKSLEY, GREGORY LAVON	20111296	Participant				
HUMPHREY, DEMARCUS	20111538	Participant				
HAYES, TYRONE	20111693	Participant				
FARMER, CURTIS	20111733	Participant				

**Incident Summary**

Incident Information						
Incident Occurred:	9/18/20	16:20	Reported By:	SF Staff	Supervisor:	7403 BROWN
Report Date:	9/18/20	16:20	Reporting Officer:	21815 DAVIS	Date Approved:	09/18/2020
Incident ID:	20-0918-959		Event Type:	Informal Infraction	Date Completed:	
Incident Location:	3RD FLOOR	P-POD	Critical Event:		Alternative ID:	
Disciplinary Report:	N		Investigation:	N	Informal Discipline:	Y
Inmate Involved						
Inmate Name	Booking #	Involvement	Weapon	Medical	Force Used Upon	Disposition
JOHNSON, TAVION L	20111859	Participant				
HAWKINS, TRENDARIOUS DAICWON	20112016	Participant				
HAYDEN, PATRICK	20112184	Participant				
RAWLS, DEWAYNE	20112192	Participant				
AYERS, DARIUS D	20112264	Participant				
Staff Involved						
Visitors Involved						
Initial Incident Report						
Incident Number:	20-0918-959					
Author:	Davis					
Incident Notes	Date Recorded:	09/18/2020 16:38				
<p>On September 18, 2020 at 1543 hours in Third Floor Papa Pod, I, (Officer Davis #10596) heard multiple cells kicking the cell door from the pod. At 1548 hours, I could not determine who was kicking on the doors inside the pod so I made a catwalk round and seen inmate Joshua Trenell #20109873, who is housed in Cell 17, continuously flushing the toilet, in which water began to come out of the cell into the dayroom area. At 1554 hours, Officer King #10259 observed water coming out of Cell 6, Cell 18 and Cell 19 from continuously flushing the toilet. Cell 6, 18 and 19 are housed by inmates Brandon Raley #19107597, Robert Tubbs #20108861, Brandon Clay #20103004, Sterling Seabrook #20109228 and Randy Gragg #20111838. At 1600 hours, I observed water coming out of Cell 5, which houses inmate Trendarious Hawkins #20112016. Please be advised that Third Floor Papa Pod were sanctioned with lockdown on September 18, 2020 for smoking in the pod. At 1643 hours, Captain Rudd arrived to the floor and informed the pod that they would be placed on a 2 week restriction. The entire pod will only receive a shower and phone call, 1 cell allowed out at a time and one side (A or B side) per shift (6-2 or 2-10). No chemical agent or use of force was used in this incident. Sergeant Brown was notified of this incident.</p>						
Incident Summary						

Today's Date: 10/23/2020 21:54

### Incident Summary

#### Incident Information

<b>Incident Occurred:</b> 8/30/20 22:27	<b>Reported By:</b> SF Staff	<b>Supervisor:</b> 14279 ACHEL
<b>Report Date:</b> 8/31/20 0:12	<b>Reporting Officer:</b> 7359 WALKER	<b>Date Approved:</b> 08/31/2020
<b>Incident ID:</b> 20-0831-552	<b>Event Type:</b> Informal Infraction	<b>Date Completed:</b>
<b>Incident Location:</b> 3RD FLOOR P-POD	<b>Critical Event:</b>	<b>Alternative ID:</b>
<b>Disciplinary Report:</b>	<b>Investigation:</b>	<b>Informal Discipline:</b> Y

#### Inmate Involved

<b>Inmate Name</b>	<b>Booking #</b>	<b>Involvement</b>	<b>Weapon</b>	<b>Medical</b>	<b>Force Used Upon</b>	<b>Disposition</b>
CLAY, BRANDON	20103004	Participant				

#### Staff Involved

#### Visitors Involved

#### Initial Incident Report

**Incident Number:** 20-0831-552  
**Author:** alker  
**Incident Notes:** Date Recorded: 08/31/2020 00:22  
 ON AUGUST 30, 2020 AT 2227 I CONDUCTED A WELLNESS CHECK IN THIRD FLOOR P-POD. INMATE BRANDON CLAY 20103004 HOUSED IN 18 CELL LOWER, HAD HIS CELL LIGHT COVERED. I ORDERED INMATE CLAY TO TAKE HIS LIGHT VIOLATION DOWN AND HE REFUSED ALL ORDERS GIVEN. I TOLD HIM HE WILL BE WRITTEN UP AND SANCTIONED. INMATE BRANDON CLAY WILL BE SANCTIONED TO 4 HOURS LOCKDOWN WITH NO MAT ON AUGUST 31, 2020 ON THE 210 SHIFT. SERGEANT ACHEL'S WAS NOTIFIED. THERE WAS NO USE OF FORCE USED IN THIS INCIDENT.

#### Incident Summary



Today's Date: 10/23/2020 21:54

### Incident Summary

#### Incident Information

**Incident Occurred:** 8/7/20 15:42  
**Report Date:** 8/7/20 17:49  
**Incident ID:** 20-0807-786  
**Incident Location:** 3RD FLOOR P-POD  
**Disciplinary Report:** Investigation: Informal Discipline: Y  
**Reported By:** SF Staff  
**Reporting Officer:** 20317 KING  
**Event Type:** Informal Infraction  
**Critical Event:**  
**Supervisor:** 8650 CARWELL  
**Date Approved:** 08/07/2020  
**Date Completed:**  
**Alternative ID:**

#### Inmate Involved

Inmate Name	Booking #	Involvement	Weapon	Medical	Force Used Upon	Disposition
CLAY, BRANDON	20103004	Participant				

#### Staff Involved

#### Visitors Involved

#### Initial Incident Report

**Incident Number:** 20-0807-786  
**Author:** Ihe, King  
**Incident Notes:** Date Recorded: 08/07/2020 17:58  
 ON AUGUST 7, 2020 ABOUT 1542 HOURS IN THIRD FLOOR PAPA POD, WHILE CONDUCTING RECREATION IN THE DAYROOM, INMATE BRANDON CLAY BOOKING NUMBER 20103004 WAS SEEN REACHING HIS UPPER BODY INTO (17) CELL. INMATE CLAY THEN WENT INTO HIS CELL AND PUT A CELL VIOLATION UP TO HIS DOOR. THE ENTIRE POD HAS BEEN ORIENTATED ON POD RULES AND REGULATIONS. INMATE CLAY IS BEING SANCTIONED LOCK DOWN FOR THE REMAINING OF RECREATION (1559-1930 HOURS) ON TODAY FOR CELL VISITING, CREATING A DISTURBANCE AND CELL VIOLATIONS. SERGEANT CARWELL IS AWARE OF THIS INCIDENT. NO CHEMICAL AGENT OR FORCE WAS USED DURING THIS INCIDENT.

#### Incident Summary

Today's Date: 10/23/2020 21:55

### Incident Summary

#### Incident Information

<b>Incident Occurred:</b> 6/30/20 16:14	<b>Reported By:</b> SF Staff	<b>Supervisor:</b> AMR008:HART
<b>Report Date:</b> 6/30/20 17:37	<b>Reporting Officer:</b> AMR002 CANNON	<b>Date Approved:</b>
<b>Incident ID:</b> 20-0630-540	<b>Event Type:</b> Contraband	<b>Date Completed:</b>
<b>Incident Location:</b> Mail Room	<b>Critical Event:</b>	<b>Alternative ID:</b>
<b>Disciplinary Report:</b> Y	<b>Investigation:</b> Y	<b>Informal Discipline:</b>

#### Inmate Involved

<b>Inmate Name</b>	<b>Booking #</b>	<b>Involvement</b>	<b>Weapon</b>	<b>Medical</b>	<b>Force Used Upon</b>	<b>Disposition</b>
CLAY, BRANDON	20103004					

#### Staff Involved

#### Visitors Involved

#### Initial Incident Report

**Incident Number:** 20-0630-540  
**Author:** annon  
**Incident Notes:** Date Recorded: 06/30/2020 17:41  
 On Tuesday June 30, 2020, I (Mailroom Clerk) T. Cannon was opening my daily mail when I came across a gold envelope addressed to inmate Brandon Clay booking number 20103004 housed on 3-P-18. The envelope was coming from Shyvell Kelly 1260 Old Hickory Rd. Memphis TN 38116. On the outside of the envelope it was wet and stain. I immediately notified GIU Officer M. Moore at 1614 hours. At 1616 hours GIU Officer M Moore arrive took pictures. At 1618 hours I contacted Special Op Lieutenant Green he stated he was gone for the day and for Me to contact Captain Dolson. At 1619 hours I contacted Captain Dolson of my findings. At 1628 hours Captain Dolson contacted Pressgrove of communication in said place in vault.

#### Incident Summary

Today's Date: 10/23/2020 21:56

### Incident Summary

<b>Incident Information</b>	
Incident Occurred: 6/23/20 8:00	Reported By: SF Staff
Report Date: 6/23/20 8:20	Reporting Officer: 20317 KING
Incident ID: 20-0623-846	Event Type: Informal Infraction
Incident Location: 3RD FLOOR P-POD	Critical Event:
Disciplinary Report:	Investigation:
	Informal Discipline: Y
Supervisor: 14995 ECHOLS	Date Approved: 06/23/2020
Date Completed:	Alternative ID:

Inmate Name	Booking #	Involvement	Weapon	Medical	Force Used Upon	Disposition
JONES, DOMENIQUE	19118939	Participant				
BAKER, BRODERICK D	19117881	Participant				
CLAY, BRANDON	20103004	Participant				
WILSON, TORRE TERRELL	20102227	Participant				
MOORE, ARTEVIOUS Q	20102783	Participant				
SANDERS, JOSEPH W	20106232	Participant				

**Staff Involved**

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**Visitors Involved**

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**Initial Incident Report**

Incident Number: 20-0623-846  
 Author: Iine, King  
 Incident Notes Date Recorded: 06/23/2020 08:27

ON JUNE 23, 2020 ABOUT 0800 HOURS IN THIRD FLOOR PAPA POD, I ANNOUNCED SECURITY CHECK FOR CELL COMPLIANCE. THE AROUND 0757 HORS, THE ENTIRE POD WAS GIVEN A DIRECT ORDER, TO GET THEIR CELLS IN COMPLIANCE. THE FOLLOWING INMATES REFUSED TO COMPLY WERE, INMATES BRODERICK BAKER BOOKING NUMBER 19117881, BRANDON CLAY BOOKING NUMBER 20103004, DOMENIQUE JONES BOOKING NUMBER 19118939, ARTEVIOUS MOORE BOOKING NUMBER 20102783, JOSEPH SANDERS BOOKING NUMBER 20106232, AND TORRE WILSON BOOKING NUMBER 20102227. THE INMATES LISTED ABOVE WILL BE SANCTIONED LOCKDOWN FOR REFUSING STAFF ORDER.. FROM 0800-1000 HOURS. SERGEANT D. ECHOLS S-8005 WILL BE NOTIFIED. NO USE OF FORCE OR CHEMICAL AGENTS USED.

**Incident Summary**

Today's Date: 10/23/2020 21:56

### Incident Summary

Incident Information			
Incident Occurred:	6/3/20 9:55	Reported By:	SF Staff
Report Date:	6/3/20 9:55	Reporting Officer:	15400 PHILLIPS
Incident ID:	20-0603-037	Event Type:	Non Assaultive
Incident Location:	5TH FLOOR C-POD	Critical Event:	
Disciplinary Report:	Y	Investigation:	Y
		Informal Discipline:	
		Supervisor:	9749 SWAIN
		Date Approved:	06/08/2020
		Date Completed:	
		Alternative ID:	

Inmate Involved			
Inmate Name	Booking #	Involvement	Weapon
CLAY, BRANDON	20103004	Participant	
		Medical	Force Used Upon
			Disposition

Staff Involved			

Visitors Involved			

**Initial Incident Report**

Incident Number: 20-0603-037  
 Author: Payne  
 Incident Notes Date Recorded: 06/03/2020 10:07

ON JUNE 3, 2020 AROUND 0955 HOURS, INMATE BRANDON CLAY BK#20103004 WAS OBSERVED GOING IN THE TOTE OF BUNK 14 WHICH HOUSES INMATE ALONZO LYLES BK# 20100345 GETTING SUGAR IN FIFTH FLOOR CHARLIE POD. INMATE CLAY WAS GIVEN A DIRECTIVE TO GET ON HIS BUNK AND BE SANCTIONED FROM 0955-1055 HOURS FOR BUNK VISITING. INMATE CLAY REFUSED ALL ORDERS AND STATED "IM NOT GETTING ON BY BUNK 1 STAMP THAT". "THATS NOT BUNK VISITING. I WAS IN HIS TOTE". INMATE CLAY DID NOT GET ON HIS BUNK, AND WAS INFORMED HE WOULD BE WRITTEN UP AND REFERRED TO DISCIPLINARY. SERGEANT SWAIN WAS INFORMED. NO USE OF FORCE OR CHEMICAL AGENTS WERE USED IN THIS INCIDENT.

Incident Summary

Today's Date: 10/23/2020 21:52

### Incident Summary

#### Incident Information

<b>Incident Occurred:</b> 10/9/20 8:40	<b>Reported By:</b> SF Staff	<b>Supervisor:</b> 15914 BEACH
<b>Report Date:</b> 10/9/20 9:07	<b>Reporting Officer:</b> 6068 BRADLEY	<b>Date Approved:</b> 10/11/2020
<b>Incident ID:</b> 20-1009-311	<b>Event Type:</b> Informal Infraction	<b>Date Completed:</b>
<b>Incident Location:</b> 3RD FLOOR P-POD	<b>Critical Event:</b>	<b>Alternative ID:</b>
<b>Disciplinary Report:</b> Y	<b>Investigation:</b>	<b>Informal Discipline:</b> Y

#### Inmate Involved

<b>Inmate Name</b>	<b>Booking #</b>	<b>Involvement</b>	<b>Weapon</b>	<b>Medical</b>	<b>Force Used Upon</b>	<b>Disposition</b>
CLAY, BRANDON	20103004	Participant				

#### Staff Involved

#### Visitors Involved

#### Initial Incident Report

Incident Number: 20-1009-311  
 Author: dley  
 Incident Notes Date Recorded: 10/09/2020 09:17  
 On October 9, 2020 at 0820 hours in 3-P-Pod, Inmate Brandon Clay, booking number 20103004, cell 18 (rockman) door was open. I gave him several direct orders to go to take his shower before they call for him. The court turned Officer B. Davis S# 5117 called for him to go to Criminal Court 7, at 0840 hours. He ran in the shower, at this time, Sergeant Beach was informed and reported to the pod, he exit the pod, at 0911 hours. He was informed that he'll be sanction for the 6/2 shift. There was no use of force or chemical agent used. Per Sergeant Beach, "He'll be sanction no recreation for the remainder of 6/2 shift."

#### Incident Summary

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>SI2021-089</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

Employee Name: <small>(First/Last Name)</small>	<b>Damian Cooper</b>	s# <b>9572</b>	Employee#: <small>20714</small>	Date Served: <b>2/4/2021</b>
Job Classification/Rank:	<b>Corrections Deputy</b>		Unit/Section/ Bureau: <b>SCSO Jail Division</b>	
Type/Extent of Disciplinary Action:	<b>Ten (10) days suspension without pay</b>			

Standard Operating Rule Violation(s):

**SOR 301 Excessive Force**

Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):

**See attached Disciplinary Action Form addendum, page 2**

Expected Improvement:

**Officer Damian Cooper needs to follow all protocols provide by Shelby County Sheriff Office policies and procedures before any force is used.**

Has employee been disciplined previously for the same type of infraction?	Yes	<input checked="" type="checkbox"/>	No	Date: <b>2/12/2020 (5)</b>
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Supervisor's Title/Signature:	Date:
Manager's Title/Signature: <i>R. D. Johnson 6/38</i>	Date: <b>2/4/21</b>
Appointing Authority's Title/Signature:	Date:

Employee's Comments:

Employee's Signature: *D. Cooper 10364* Date: **2/4/21**

**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

Explain absence of employee's signature:	Date:
Manager/Supervisor's Signature:	Date:
Witness' Signature: (If applicable)	Date:

**SHELBY COUNTY SHERIFF'S OFFICE  
Disciplinary Action Form Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Damian Cooper</b>	S#: <b>10369</b> Emp# 20714	Case#: <b>SI2021-089</b>
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On Friday, 01/08/2021, at around 1908 hours, Officer Damian Cooper S#10369 and Officer Quintin Draper S#10109 took inmate Henderson booking number 21100329 into the strip search tank to be striped due to his armband being orange. Inmate Henderson became upset and argumentative due to he did not feel that it was necessary for two officers to strip search him. The surveillance footage shows the following; Officer D. Cooper walking back and forth from the pat down table to the booking window and back to the pat down table. At 1910 the door to the strip tank opens and Inmate Catorey Henderson exit the strip search tank without a face mask on. The mask was in inmate Henderson hand as he approached Officer Cooper. Officer Cooper and inmate Henderson are facing each other and exchanged words. Officer Cooper then pushed inmate Henderson in the chest area with an open hand palm into the wall. Inmate Henderson falls back on the wall and balled his fist up in a defensive manner. At no time did inmate Henderson make an aggressive toward officer Cooper. At this time, Officer Cooper then struck inmate Henderson with a closed fist on the left side of his facial area. The two became involved in a physical altercation resulting in inmate Henderson being taken down to the floor and handcuffed.

**SOR 301 Excessive Force A & B.**

- A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a Prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy Or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair And humane manner. They will not be humiliated, ridiculed or taunted.
- B. All employees will not use force against any person that is unprovoked, needless, or not required During the performance of their official duties.

- Officer Cooper pushed inmate Henderson in the chest area with an open hand palm into the wall.
- Officer Cooper then struck inmate Henderson in his face with a closed fist.
- Officer Cooper is being charged with SOR 301 Excessive Force.





**SHELBY COUNTY SHERIFF'S OFFICE  
Pre-Disciplinary Hearing Notice Addendum  
(Use Black Ink Only)**

Employee  
Name:  
(First/Last Name)

**Damian Cooper C/D**

S#: **10369**  
Emp# 20714

Case#: **SI2021-089**

On Friday, 01/08/2021, at around 1908 hours, Officer Damian Cooper service number 10369 and Officer Quintin Draper service number 10109 took inmate Henderson booking number 21100329 into the strip search tank to be striped due to his armband being orange. Inmate Henderson became upset and argumentative due to he did not feel that it was necessary for two officers to strip search him. The surveillance footage shows the following; Officer D. Cooper walking back and forth from the pat down table to the booking window and back to the pat down table. At 1910 the door to the strip tank opens and Inmate Catorey Henderson exit the strip search tank without a face mask on. The mask was in inmate Henderson hand as he approached Officer Cooper. Officer Cooper and inmate Henderson are facing each other and exchanged words. Officer Cooper then pushed inmate Henderson in the chest area with an open hand palm into the wall. Inmate Henderson falls back on the wall and balled his fist up in a defensive manner. At no time did inmate Henderson make an aggressive toward officer Cooper. At this time, Officer Cooper then struck inmate Henderson with a closed fist on the left side of his facial area. The two became involved in a physical altercation resulting in inmate Henderson being taken down to the floor and handcuffed.

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- A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a Prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy Or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair And humane manner. They will not be humiliated, ridiculed or taunted.
- B. All employees will not use force against any person that is unprovoked, needless, or not required During the performance of their official duties.

- Officer Cooper pushed inmate Henderson in the chest area with an open hand palm into the wall.
- Officer Cooper then struck inmate Henderson in his face with a closed fist.
- Officer Cooper is being charged with SOR 301 Excessive Force.



## Shelby County Sheriff's Office

*Floyd Bonner, Jr., Sheriff 201 Poplar Avenue Memphis, TN 38103 (901) 222-5500*

To: Whom It May Concern

Date: January 19, 2021

From: Officer D. Cooper S#10369  
2/10 Shift Jail Division Intake Area

RE: Reactive Use of force/Not Excessive

On Friday, 01/08/2021, at around 1910 hours, while in the Intake area at the strip search tank surveillance footage shows inmate Catorey Henderson booking number 21100329 exit the tank without a face mask on. Officer Damian Cooper service number 10369 giving inmate Henderson direct orders to put his issued mask on {Due to Covid-19 spreading and per Shelby County Policy/Rules/and Regulations}.

Per Jail Use of Force/Chemical Agent/Restraints

### 806.05 O. Reactive Use of Force

The immediate use of force in situations where time and circumstances do not permit notification, consultation, planning

or approval by higher ranking staff. Situations which may call for the reactive use of force include, but are not limited

to, an inmate attempting to harm him/herself, an inmate attacking a staff member

or another inmate, or a spreading riot.

### 806.07 D. 1-4 In General, force may be used as follows:

1. To prevent or stop the commission of crimes, including riot, assault, escape, hostage taking, etc;
2. To prevent an individual from injuring or killing himself or herself, or others;
3. To prevent or stop the destruction of valuable property;
4. To enforce institution policies and regulations if the violation of the policy creates an imminent threat to the safety of inmates or employees or the security of the institution.  
*Inmate Henderson caused an imminent threat due to not putting on his issued mask during this covid-19 uncertain time.*



**Shelby County Sheriff's Office**

*Floyd Bonner, Jr., Sheriff*  
201 Poplar Avenue Memphis, TN 38103  
(901) 222-5500

**To: Officer C. Parker S#9227**

**Date: January 27, 2021**

**From: Officer Y. Lee S#9896**  
**2/10 Shift Jail Division**

**RE: Incident 21-0109-289**

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ON JANUARY 8, 2021 AROUND 1910 HOURS WHILE ASSISTING IN THE INTAKE AREA, I (OFFICER Y.LEE S#9896) WITNESS INMATE CATOREY HENDERSON BOOKING NUMBER 21100329 EXITING FROM THE STRIP SEARCH TANK APPEARING TO BE UPSET. AS I WAS CONDUCTING INTAKE PROCESS WITH ANOTHER INMATE, I OVERHEARD INMATE HENDERSON CURSING THEN PROCEEDED TO TAKE A FIGHTING STANCE TOWARDS OFFICER D.COOPER S#10369. OFFICER COOPER PUT HIS HANDS UP TO PUT DISTANCE BETWEEN HIMSELF AND INMATE HENDERSON. HOWEVER, INMATE HENDERSON MOVED TOWARDS OFFICER COOPER, THEN OFFICER COOPER STRUCK INMATE HENDERSON WITH A CLOSED FIST ONCE. INMATE HENDERSON WAS TAKEN DOWN TO THE GROUND BY OFFICER COOPER AND OFFICER Q.DRAPER S#10109. BOTH OFFICERS GAVE INMATE HENDERSON SEVERAL VERBAL COMMANDS TO STOP RESISTING AS THEY ATTEMPTED TO HANDCUFF HIM. INMATE HENDERSON WAS EVENTUALLY HANDCUFFED AND ESCORTED TO TANK #11.

RESPECTFULLY SUBMITTED,

OFFICER Y.LEE S#9896



*Shelby County Sheriffs Office  
Bill Oldham, Sheriff  
201 Poplar Avenue Memphis, TN 38103  
(901) 222-5500*

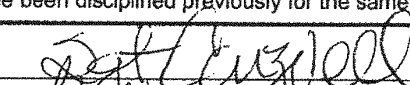


**Interoffice Memo**

**To:** Whom it may concern  
**From:** Officer Q.Draper s#10109  
**Date:** 01-22-2021  
**Subject:** Incident Number 21-0109-289

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On January 8, 2021 around 1910 hours I conducted a strip search intake on inmate Catoey Henderson, booking number 21100329, with officer D.Cooper s#10369. After the search I sat down at the pat down table. I saw inmate Henderson step out the search tank without his mask yelling at officer Cooper calling him gay, saying officer Cooper wanted to see his dick and threatening to spit in his face. Inmate Henderson made a noise as if was about to spit in officer Cooper face. Officer Cooper pushed inmate Henderson away from him and gave a direct order to put his mask on and stop his aggressive behavior. I told inmate Henderson to calm down and go sit down. Inmate Henderson got into fighting stance and flied at officer Cooper as if he was going to throw a punch. Officer Cooper reacted to inmate Henderson's threatening movement and struck him. I took inmate Henderson to the ground in a attempt to subdue him and he tried to resist. After gaining control of inmate Henderson was then handcuffed by officer Cooper. Inmate Henderson was placed in tank 11 for his saftey and ours. Later G.I.U Hankins s#7851 escorted inmate Henderson to second floor medical.

3  
210

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>			<b>Case #:</b>	
<b>Disciplinary Action Form</b>			<b>SI2021-131</b>	
<b>(Use Black Ink Only)</b>				
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>				
Employee Name: <small>(First/Last Name)</small>	<b>Quintin Draper</b>	S# <b>10109</b>	Employee#: <small>20120</small>	Date Served: <b>2/4/2021</b>
Job Classification/Rank:	<b>Corrections Deputy</b>	Unit/Section/ Bureau: <b>SCSO Jail Division</b>		
Type/Extent of Disciplinary Action:	<b>Written Reprimand</b>			
Standard Operating Rule Violation(s):				
<b>SOR 301 Excessive Force</b>				
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):				
<b>See attached Disciplinary Action Form addendum, page 2</b>				
Expected Improvement:				
<b>Officer Quintin Draper needs to follow all protocols provide by Shelby County Sheriff Office policies and procedures before any force is used.</b>				
Has employee been disciplined previously for the same type of infraction?		Yes	No	x
Supervisor's Title/Signature:				Date: <b>2/4/21</b>
Manager's Title/Signature:				Date: <b>2/4/2021</b>
Appointing Authority's Title/Signature:		Date:		
Employee's Comments:				
Employee's Signature:				Date: <b>2-04-21</b>
<p><b>Note: Signature implies only that the employee is aware that disciplinary action has been taken.</b>  <b>Employees have the right to appeal this action through the administrative appeals procedure.</b></p>				
Explain absence of employee's signature:				
Manager/Supervisor's Signature:			Date:	
Witness' Signature: <small>(If applicable)</small>			Date:	

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments  
 300.06 Disciplinary Action Form

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>			
Employee Name: <small>(First/Last Name)</small>	<b>Quintin Draper</b>	S#: <b>10109</b> Emp# 20120	Case#: <b>SI2021-131</b>
<p>On Friday, 01/08/2021, at around 1908 hours, Officer Damian Cooper S#10369 and Officer Quintin Draper S#10109 took inmate Henderson booking number 21100329 into the strip search tank to be striped due to his armband being orange. At 1910 hours Officer Cooper and inmate Henderson became involved in a physical altercation resulting in Officer Draper assisting in inmate Henderson being taken down to the floor and handcuffed. The surveillance footage shows Officer Draper having his arms underneath inmate Henderson chest area. As inmate Henderson moves continuously and resisting while being handcuffed Officer Draper puts inmate Henderson in a choke hold around the neck.</p> <p><b>SOR 301 Excessive Force A &amp; B.</b></p> <p>An employee will not use unnecessary force or violence in making an arrest or in dealing with a Prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with <u>SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints</u> and <u>#806 Jail – Use of Force/Chemical Agents/Restraints</u> or any other policy Or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair And humane manner. They will not be humiliated, ridiculed or taunted.</p> <p>All employees will not use force against any person that is unprovoked, needless, or not required During the performance of their official duties.</p> <ul style="list-style-type: none"> <li>• Officer Draper had inmate Henderson in a choke hold around the neck.</li> <li>• Officer Draper is being charged with SOR 301 Excessive Force.</li> </ul>			

B  
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<b>SHELBY COUNTY SHERIFF'S OFFICE</b>			<b>Case #:</b>	
<b>Disciplinary Action Form</b>			<b>SI2021-228</b>	
<b>(Use Black Ink Only)</b>				
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>				
Employee Name: (First/Last Name)	<b>Quintin Draper</b>	S# <b>10109</b>	Employee#: 20120	Date Served: <b>4/12/2021</b>
Job Classification/Rank:	<b>Corrections Deputy</b>	Unit/Section/ Bureau: <b>SCSO Jail Division</b>		
Type/Extent of Disciplinary Action:	<b>Ten (10) days suspension without pay</b>			
Standard Operating Rule Violation(s):				
<b>SOR 111 DISOBEDIENCE OF AN ORDER</b> <b>SOR 102 UNSATISFACTORY PERFORMANCE</b> <b>SOR 301 EXCESSIVE USE OF FORCE</b>				
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary (Attach all documentation):				
<b>See attached Disciplinary Action Form addendum, page 2</b>				
Expected Improvement:				
<b>Officer Quintin Draper needs to follow all protocols provide by Shelby County Sheriff Office policies and procedures before any force is used.</b>				
Has employee been disciplined previously for the same type of infraction?		Yes	<input checked="" type="checkbox"/>	No
		Date:	<b>02/07/2021</b>	
Supervisor's Title/Signature:	<i>Sgt. [Signature]</i>			Date: <b>4-1-21</b>
Manager's Title/Signature:	<i>[Signature]</i>			Date: <b>4/1/21</b>
Appointing Authority's Title/Signature:				Date:
Employee's Comments:				
Employee's Signature: <i>[Signature]</i> 10109				Date: <b>04-12-21</b>

**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

Explain absence of employee's signature:	
Manager/Supervisor's Signature:	Date:
Witness' Signature: (If applicable)	Date:

**SHELBY COUNTY SHERIFF'S OFFICE  
Disciplinary Action Form Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Quintin Draper</b>	S#: <b>10109</b> Emp# 20120	Case#: <b>SI2021-228</b>
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On March 19, 2021 at 2045 hours, in Intake Officer Quintin Draper S#10109 stated that he was processing inmate Ventrell Collins, booking number 21103260, at the pat down table. Officer Draper stated that he counted out inmate Collins money and stated to him "I counted \$70 dollars want to count behind me?" Inmate Collins started yelling "I got \$70 dollars, I got \$70 dollars, why don't you tell the whole world!" Officer Draper asked inmate Collins, "What is the problem?" Inmate Collins yelled out "You telling my business nigga like I'm not standing here!" Officer Draper told inmate Collins "My bad I did not mean to. Please calm down." Inmate Collins stated hurry up and get this shit over with." When Officer Draper and inmate Collins entered the strip tank Officer Draper gave inmate Collins a direct order to hand him his clothes. Inmate Collins threw his shirt in the corner and stated "Come get my shirt bitch ass nigga!" I, (Sergeant U. Carwell) heard a disturbance in Intake and got up from the desk to see what was going on. I observed inmate Collins in the strip search tank do to the door was cracked open, take his shirt off and threw it on the floor. I observed Officer Draper strike inmate Collins with a closed fist. I, Sergeant U. Carwell and Officer C. Duckett S#10919 sprayed inmate Collins with 1 burst of freeze plus "P" which took effect. Inmate Collins was handcuffed, escorted to second floor medical by the Defense Response Team members, and seen by Nurse S. Wilson. Officer Draper has been informed and ordered on several occasion not to enter the strip search tank alone {without the presence/backup male officer}. Inmate Collins was interviewed by Captain J. Rudd in my {Sergeant Carwell} presence. Inmate Collins stated that Officer Draper hit him after he took off his shirt in the strip tank. At 2110 hours communication Morrison was notified.

**SOR 111 DISOBEDIENCE OF AN ORDER**

No employee will willfully disobey a lawful order or directive, either written or oral. This regulation prohibits disobedience by an employee of any lawful oral or written order or directive of a superior officer or employee or another employee of any rank or position who is relaying the order of a superior.

- Officer Draper has been instructed on several occasions this year by Captain J. Rudd, Lieutenant T. Lee, and Sergeant Carwell to: Call your supervisor and let your supervisor make the decision. Officer Draper acts on his own.
- Officer Draper has been instructed on several occasions this year by Captain J. Rudd and Lieutenant T. Lee to not go into the strip search tank without a male officer being present when conducting a strip search.

**SOR 102 UNSATISFACTORY PERFORMANCE**

All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.

- Officer Draper has been instructed on several occasions this year by Captain J. Rudd and Lieutenant T. Lee to not go into the strip search tank without a male officer being present when conducting a strip search.
- Officer Draper continues not to call his supervisor/sergeant to let his supervisor make the decision.
- Officer Draper refuse to comply with going into the strip search tank with another male officer for safety concerns. Officer Draper continues to go into the strip search tank without a male officer as backup.

**SOR 301 EXCESSIVE FORCE**

- E. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.
- F. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.
- G. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)
- H. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- I, Sergeant U. Carwell observed inmate Collins in the strip search tank due to the door was cracked open, take his shirt off and threw it on the floor. I, Sergeant U. Carwell observed Officer Draper strike inmate Collins with a closed fist.



<b>SHELBY COUNTY SHERIFF'S OFFICE</b>		
<b>Pre-Disciplinary Hearing Notice</b>		
<b>(Use Black Ink Only)</b>		
<b>Employee Name/Rank:</b> <small>(First/Last Name)</small> <b>Quintin Draper C/D</b>	<b>S#: 10109</b> Employee # <b>20120</b>	<b>Case#: SI2021-228</b>
<b>Unit/Section/ Bureau:</b> <b>SCSO Jail Division</b>	<b>Charging/Investigating Officer/Supervisor/Manager:</b> <b>Sergeant U. Carwell</b>	
<b>Date of Policy Violation:</b> <b>On 03/19/2021</b>		
<b>Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):</b>	<b>SOR 111 DISOBEDIENCE OF AN ORDER</b> <b>SOR 102 UNSATISFACTORY PERFORMANCE</b> <b>SOR 301 EXCESSIVE USE OF FORCE</b>	
<b>Incident Summary:</b>  <b>See attached Pre-Disciplinary Hearing Notice addendum, page 2</b>		
<b>Scheduled Hearing Day, Date, Time &amp; Location:</b>		
<b>I acknowledge receipt of this notification:</b>		
<small>Signature:</small>	<small>Date:</small>	<small>Time:</small>
<b>Notifying Supervisor/Manager/ Disciplinary Review Rep.</b>		
<small>Signature:</small>	<small>Date:</small>	<small>Time:</small>
<b>Employee's Initials &amp; Date</b>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.	
<b>Hearing Results/Recommendations:</b>		
<b>Date:</b> <b>Hearing Officer:</b>		

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On	4/12/2021	the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to	<b>Ten (10) days suspension without pay</b>
<b>Employee Signature:</b>	<i>Carwell</i> 10109	<b>Witness Signature:</b>	<i>M. Bowde</i>
<b>Date:</b>	4-12-21	<b>Date:</b>	4/12/2021

**SHELBY COUNTY SHERIFF'S OFFICE  
Pre-Disciplinary Hearing Notice Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Quintin Draper</b>	S#: <b>10109</b> Emp# 20120	Case#: <b>SI2021-228</b>
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On March 19, 2021 at 2045 hours, in Intake Officer Quintin Draper S#10109 stated that he was processing inmate Ventrell Collins, booking number 21103260, at the pat down table. Officer Draper stated that he counted out inmate Collins money and stated to him "I counted \$70 dollars want to count behind me?" Inmate Collins started yelling "I got \$70 dollars, I got \$70 dollars, why don't you tell the whole world!" Officer Draper asked inmate Collins, "What is the problem?" Inmate Collins yelled out "You telling my business nigga like I'm not standing here!" Officer Draper told inmate Collins "My bad I did not mean to. Please calm down." Inmate Collins stated hurry up and get this shit over with." When Officer Draper and inmate Collins entered the strip tank Officer Draper gave inmate Collins a direct order to hand him his clothes. Inmate Collins threw his shirt in the corner and stated "Come get my shirt bitch ass nigga!" I, (Sergeant U. Carwell) heard a disturbance in Intake and got up from the desk to see what was going on. I observed inmate Collins in the strip search tank do to the door was cracked open, take his shirt off and threw it on the floor. I observed Officer Draper strike inmate Collins with a closed fist. I, Sergeant U. Carwell and Officer C. Duckett S#10919 sprayed inmate Collins with 1 burst of freeze plus "P" which took effect. Inmate Collins was handcuffed, escorted to second floor medical by the Defense Response Team members, and seen by Nurse S. Wilson. Officer Draper has been informed and ordered on several occasion not to enter the strip search tank alone (without the presence/backup male officer). Inmate Collins was interviewed by Captain J. Rudd in my (Sergeant Carwell) presence. Inmate Collins stated that Officer Draper hit him after he took off his shirt in the strip tank. At 2110 hours communication Morrison was notified.

**SOR 111 DISOBEDIENCE OF AN ORDER**

No employee will willfully disobey a lawful order or directive, either written or oral. This regulation prohibits disobedience by an employee of any lawful oral or written order or directive of a superior officer or employee or another employee of any rank or position who is relaying the order of a superior.

- Officer Draper has been instructed on several occasions this year by Captain J. Rudd, Lieutenant T. Lee, and Sergeant Carwell to: Call your supervisor and let your supervisor make the decision. Officer Draper acts on his own.
- Officer Draper has been instructed on several occasions this year by Captain J. Rudd and Lieutenant T. Lee to not go into the strip search tank without a male officer being present when conducting a strip search.

**SOR 102 UNSATISFACTORY PERFORMANCE**

All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.

- Officer Draper has been instructed on several occasions this year by Captain J. Rudd and Lieutenant T. Lee to not go into the strip search tank without a male officer being present when conducting a strip search.
- Officer Draper continues not to call his supervisor/sergeant to let his supervisor make the decision.
- Officer Draper refuse to comply with going into the strip search tank with another male officer for safety concerns. Officer Draper continues to go into the strip search tank without a male officer as backup.

**SOR 301 EXCESSIVE FORCE**

- An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.
- All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.
- An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)
- All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- I, Sergeant U. Carwell observed inmate Collins in the strip search tank due to the door was cracked open, take his shirt off and threw it on the floor. I, Sergeant U. Carwell observed Officer Draper strike inmate Collins with a closed fist.

B.  
TF

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>S12021-544</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

Employee Name: <small>(First/Last Name)</small>	STEVELAND FREEMAN	S# 9941	Employee#:	Date Served: 6/7/2021
Job Classification/Rank:	Corrections Deputy	Unit/Section/ Bureau:	S.C.S.O. Jail Division	

Type/Extent of Disciplinary Action: **One (1) day suspension without pay**

Standard Operating Rule Violation(s):  
  
**SOR 102 UNSATISFACTORY PERFORMANCE**  
**SOR 301 Excessive Force**

Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary  
  
**See attached Disciplinary Action Form addendum, page 2**

Expected Improvement:  
  
**Officer Freeman is expected to follow county policy.**

Has employee been disciplined previously for the same type of infraction?	Yes	No	x	Date:
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Supervisor's Title/Signature: <i>F.R. [Signature]</i>	Date: 06/07/21
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Manager's Title/Signature: <i>M. [Signature]</i>	Date: 6/7/21
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Appointing Authority's Title/Signature:	Date:
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Employee's Comments:

Employee's Signature: <i>Steveland Freeman</i>	Date: 06/07/21
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**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

Explain absence of employee's signature:	
Manager/Supervisor's Signature:	Date:
Witness' Signature: (If applicable)	Date:

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <i>(Use Black Ink Only)</i>			
Employee <b>Name:</b> (First/Last Name)	<b>STEVELAND FREEMAN</b>	S#:9941 Emp#	Case#: <b>SI2021-544</b>
<p>On 05/26/2021, Officer Steveland Freeman S#9941 was observed on surveillance striking inmate Cortez Davis booking number 20116178 in the facial area and spraying him with chemical agents for being in his personal space while being handcuffed. Inmate Cortez Davis was being escorted from first floor echo pod to delta pod to take a shower by Officer's S. Jones S#10378 and D. Jones S#9946. Officer Freeman stated that inmate Davis was threatening Officer Freeman prior from coming out the cell. Officer Steveland Freeman should have stayed professional and remove himself from the threat.</p> <p><b>SOR 102 UNSATISFACTORY PERFORMANCE</b>                      All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.</p> <ul style="list-style-type: none"> <li>• Officer Steveland Freeman should have stayed professional and remove himself from the threat.</li> </ul> <p><b>SOR 301 Excessive Force</b>                      An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #806 Jail use of force/chemical agent restraints or any other policy or procedures related to the use of force. To Wit; all employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.</p> <ul style="list-style-type: none"> <li>• Officer Steveland Freeman inmate Cortez Davis was in handcuffed when he was stroked to the facial area and sprayed with chemical agent for being in his personal space.</li> </ul>			

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
 (Use Black Ink Only)

Employee Name/Rank: (First/Last Name) <b>STEVELAND FREEMAN C/D</b>	S#:9941 Employee #	Case#: <b>SI2021-544</b>
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Unit/Section/ Bureau: <b>SCSO Jail Division</b>	Charging/Investigating Officer/Supervisor/Manager: <b>Sergeant J.FORD S#6086</b>
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Date of Policy Violation: **05/27/2021**

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	<b>SOR 102 UNSATISFACTORY PERFORMANCE</b> <b>SOR 301.(B) Excessive Force</b>
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Incident Summary:

**See attached Pre-Disciplinary Hearing Notice addendum, page 2**

Scheduled Hearing Day, Date, Time & Location:

I acknowledge receipt of this notification:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Notifying Supervisor/Manager/  
Disciplinary Review Rep.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Employee's Initials & Date	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.06, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.
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Hearing Results/Recommendations:

Date: \_\_\_\_\_ Hearing Officer: \_\_\_\_\_

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On 6/7/2021 the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to **One (1) day suspension without pay**

Employee Signature: Stevland Freeman      Witness Signature: [Signature]

Date: 06/07/21      Date: 6/7/2021

**SHELBY COUNTY SHERIFF'S OFFICE  
Pre-Disciplinary Hearing Notice Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>STEVELAND FREEMAN</b>	S# 9941 Emp#4	Case#: <b>SI2021-544</b>
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On 05/26/2021, Officer Steveland Freeman S#9941 was observed on surveillance striking inmate Cortez Davis booking number 20116178 in the facial area and spraying him with chemical agents for being in his personal space while being handcuffed. Inmate Cortez Davis was being escorted from first floor echo pod to delta pod to take a shower by Officer's S. Jones S#10378 and D. Jones S#9946. Officer Freeman stated that inmate Davis was threatening Officer Freeman prior from coming out the cell. Officer Steveland Freeman should have stayed professional and remove himself from the threat.

**SOR 102 UNSATISFACTORY PERFORMANCE**

All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.

- Officer Steveland Freeman should have stayed professional and remove himself from the threat.

**SOR 301 Excessive Force**

An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #806 Jail use of force/chemical agent restraints or any other policy or procedures related to the use of force. To Wit; all employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

- Officer Steveland Freeman inmate Cortez Davis was in handcuffed when he was stroked to the facial area and sprayed with chemical agent for being in his personal space.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>		<b>Case #:</b>	
<b>Disciplinary Action Form</b>		<b>SI2021-617</b>	
<b>(Use Black Ink Only)</b>			
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>			
Employee Name: <small>(First/Last Name)</small>	<b>Kenneth Boykin</b>	s#4665	Employee#: 6174
			Date Served: <b>6/28/2021</b>
Job Classification/Rank:	<b>Corrections Deputy</b>	Unit/Section/Bureau:	<b>SCSO Jail/Division</b>
Type/Extent of Disciplinary Action:	<b>Ten (10) days suspension without pay</b>		
Standard Operating Rule Violation(s): <b>SGR 301 Excessive Force</b> <b>TO WIT: SOP #806.14 (Use of Force/Chemical Agents/Restraints)</b>			
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary  <b>See attached Disciplinary Action Form addendum, page 2</b>			
Expected Improvement: <b>Officer K. Boykin will be counseled on SCSO policies and procedures dealing with Use of Force/Chemical Agents/Restraints to ensure he has adequate remedial training and has competent knowledge of the escalation of force procedures.</b>			
Has employee been disciplined previously for the same type of infraction?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Date:			
Supervisor's Title/Signature: <b>SGT. C. S. 6454</b>		Date: <b>6/25/2021</b>	
Manager's Title/Signature: <b>Lt. J. Brown</b>		Date: <b>6/25/2021</b>	
Appointing Authority's Title/Signature:		Date:	
Employee's Comments:			
Employee's Signature: <b>[Signature]</b>		Date: <b>6-28-21</b>	
Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.			
Explain absence of employee's signature.			
Manager/Supervisor's Signature:		Date:	
Witness' Signature: (If applicable)		Date:	

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments  
 300.06 Disciplinary Action Form

**SHELBY COUNTY SHERIFF'S OFFICE  
Disciplinary Action Form Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Kenneth Boykin</b>	S#:4665 Emp#6174	Case#: <b>SI2021-617</b>
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On June 13, 2021 at 0958 hours, Special Operation Gang Unit Officers Kenneth Boykin S#4665 and Keeley Gray S#5209 observed inmates housed inside 3<sup>rd</sup> floor R-pod obstructing their cell doors to gain access to the dayroom area. Officers Boykin and Gray reported to the housing unit to assess the situation. Officer K. Boykin deployed his chemical agent at two (2) inmates multiple times in reference to (OMS) Offenders Management System incident (#21-0613-120). After the inmate's actions didn't warrant any further escalated use of force with chemical agents, Officer Boykin continued to deploy his chemical agent. Officer Gray proceeded to exit the housing unit after confronting two (2) more inmates out in the dayroom area, while Officer Boykin gave instructions for the inmates exposed to chemical agents to lay flat on the floor with their hands behind their backs until they were secured in handcuffs.

**SOR 301 Excessive Force**

An employee will not use unnecessary force or violence in making an arrest or dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with #806 Jail- Use of Force/Chemical Agents/Restraints or any policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

**To wit:** SOP #806.14 (H.) The amount and type of chemical agent used and the means of dispersal will be limited to that necessary to achieve the correctional objective. (K. {2.}) Chemical agents must not be used as follows: against an inmate(s) when he or she no longer presents a danger.

- On June 13, 2021, Officer K. Boykin deployed his chemical agent at two (2) inmates multiple times in reference to (OMS) Offenders Management System incident (#21-0613-120). After the inmate's actions didn't warrant any further escalated use of force with chemical agents, Officer Boykin continued to deploy his chemical agent.



**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice**  
 (Use Black Ink Only)

Employee Name/Rank: <small>(First/Last Name)</small>	<b>Kenneth Boykin C/D</b>	S#:4665 Employee #6174	Case#: <b>SI2021-617</b>
Unit/Section/ Bureau:	<b>SCSO Jail Division</b>	Charging/Investigating Officer/Supervisor/Manager:	<b>Sergeant C. Atkins</b>

Date of Policy Violation: **On June 13, 2021**

Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):

**SOR 301 Excessive Force**  
 To wit: **SOR #806.14 (Use of Force/Chemical Agents/Restraints)**

Incident Summary:

**See attached Pre-Disciplinary Hearing Notice addendum, page 2**

Scheduled Hearing Day, Date, Time & Location:

I acknowledge receipt of this notification:

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Notifying Supervisor/Manager/  
Disciplinary Review Rep.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Employee's Initials & Date	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.
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Hearing Results/Recommendations:

Date: \_\_\_\_\_ Hearing Officer: \_\_\_\_\_

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On 6/28/2021 the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to **Ten (10) days suspension without pay**

Employee Signature: *Kenneth Boykin #4665* Witness Signature: *[Signature]*

Date: *06-28-21* Date: *6/28/2021*

**SHELBY COUNTY SHERIFF'S OFFICE  
Pre-Disciplinary Hearing Notice Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Kenneth Boykin</b>	S#:4665 Emp#6174	Case#: <b>SI2021-617</b>
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On June 13, 2021 at 0958 hours, Special Operation Gang Unit Officers Kenneth Boykin S#4665 and Keeley Gray S#5209 observed inmates housed inside 3<sup>rd</sup> floor R-pod obstructing their cell doors to gain access to the dayroom area. Officers Boykin and Gray reported to the housing unit to assess the situation. Officer K. Boykin deployed his chemical agent at two (2) inmates multiple times in reference to (OMS) Offenders Management System incident (#21-0613-120). After the inmate's actions didn't warrant any further escalated use of force with chemical agents, Officer Boykin continued to deploy his chemical agent. Officer Gray proceeded to exit the housing unit after confronting two (2) more inmates out in the dayroom area, while Officer Boykin gave instructions for the inmates exposed to chemical agents to lay flat on the floor with their hands behind their backs until they were secured in handcuffs.

**SOR 301 Excessive Force**

An employee will not use unnecessary force or violence in making an arrest or dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with #806 Jail- Use of Force/Chemical Agents/Restraints or any policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted

**To wit:** SOP #806.14 (H.) The amount and type of chemical agent used and the means of dispersal will be limited to that necessary to achieve the correctional objective. (K. {2.}) Chemical agents must not be used as follows: against an inmate(s) when he or she no longer presents a danger.

- On June 13, 2021, Officer K. Boykin deployed his chemical agent at two (2) inmates multiple times in reference to (OMS) Offenders Management System incident (#21-0613-120). After the inmate's actions didn't warrant any further escalated use of force with chemical agents, Officer Boykin continued to deploy his chemical agent.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>S12021-629</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

<b>Employee Name:</b> <small>(First/Last Name)</small>	Desmon Haywood	<b>s#</b>	10922	<b>Employee#:</b>	23673	<b>Date Served:</b>	7/8/2021
<b>Job Classification/Rank:</b>	Corrections Deputy	<b>Unit/Section/ Bureau:</b>	SCSO Jail Division				

**Type/Extent of Disciplinary Action:** Ten (10) days suspension without pay, referred to EAP

**Standard Operating Rule Violation(s):**  
**SOR 301 Excessive Force**  
**SOR 101 COMPLIANCE WITH REGULATIONS**  
**To wit: 306.06 Appropriate use for the personal alarm transmitter security staff.**

**Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary**

**See attached Disciplinary Action Form addendum, page 2**

**Expected Improvement:**

**Officer Haywood is expected to follow county policy.**

Has employee been disciplined previously for the same type of infraction?    **Yes**        **No**        **Date:**

**Supervisor's Title/Signature:** *[Signature]* #9104    **Date:** 7-8-21

**Manager's Title/Signature:** *[Signature]*    **Date:** 7/8/21

**Appointing Authority's Title/Signature:**    **Date:**

**Employee's Comments:**

**Employee's Signature:** *[Signature]*    **Date:** 7-5-21

**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

<b>Explain absence of employee's signature:</b>	<b>Date:</b>
<b>Manager/Supervisor's Signature:</b>	<b>Date:</b>
<b>Witness' Signature: (If applicable)</b>	<b>Date:</b>

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form Addendum</b> <b>(Use Black Ink Only)</b>			
Employee Name: <small>(First/Last Name)</small>	<b>Desmon Haywood</b>	S#: <b>10922</b> Emp# 23673	Case#: <b>SI2021-629</b>
<p>On 06/29/2021, at about 1454 hours, Lieutenant Cato called a code blue for Fifth Floor Bravo Pod. I went to assist. When I arrived to the scene, Lieutenant Cato had control of inmate Barnes and Officer Haywood was still holding on to him. I, Sergeant Beach had to separate Officer Haywood from Inmate Barnes and gave Officer Haywood several direct orders to return to his pod before he finally complied. Upon viewing the surveillance footage, I observed Officer Haywood leave the CIWA Nurse and grab inmate Barnes from behind (as the inmate proceeded to his bunk) and placed his arm around his neck. They both fell to the floor and were engaged in a physical altercation. Officer Haywood put his arm around inmate Barnes neck as he walked him out the pod. I was also informed by Lieutenant Cato that Officer Haywood didn't have on his man down. As I viewed the surveillance footage, I saw Nurse Powell showing Lt. Cato where Officer Haywood man down was, so she could activate it (It was under the desk on top of the computer). Officer Haywood was informed that he is being referred to EAP and Use of Force Training. Officer Haywood is in violation of SCSO Policy #806-Use of Force/Chemical Agent/Restraints. He is being charged with SOR 301 "Excessive Force" for using unnecessary force when dealing with an inmate and SOR 101 Compliance with regulations to wit: 306.06 Appropriate use for the personal alarm transmitter security staff.</p> <p><b>SOR 301 Excessive Force</b>                      An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person.</p> <ul style="list-style-type: none"> <li>• Upon viewing the footage, I observed Officer Haywood leave the CIWA Nurse and grab inmate Barnes from behind as he was walking back to his bunk. They both fell to the floor as they were engaged in a physical altercation. Officer Haywood put his arm around inmate Barnes neck as he walked him out the pod.</li> <li>• When I arrived to the scene, Lieutenant Cato had control of inmate Barnes and Officer Haywood was still trying to hold on to him. I had to separate Officer Haywood from Inmate Barnes and gave Officer Haywood several direct orders to return to his pod.</li> </ul> <p><b>SOR 101 COMPLIANCE WITH REGULATIONS</b>                      Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, Standard Operating Procedures (SOP's), the SCSO Policy # 106 Code of Ethics, directives of the SCSO, and all federal, state and local laws, and Shelby County government policies                      to wit :306.06 <b>APPROPRIATE USE FOR THE PERSONAL ALARM TRANSMITTERS SECURITY STAFF</b> The PAT will be worn on the uniform belt or on the shoulder flap by security officers in all units and by the door rollers.</p> <ul style="list-style-type: none"> <li>• I was also informed by Lieutenant Cato that Officer Haywood didn't have on his man down. As I viewed the surveillance footage, I saw Nurse Powell showing Lt. Cato where Officer Haywood man down was, so she could activate it (It was under the desk on top of the computer).</li> </ul>			

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>		
<b>Pre-Disciplinary Hearing Notice</b>		
<b>(Use Black Ink Only)</b>		
Employee Name/Rank: (First/Last Name)	<b>Desmon Haywood C/D</b>	S#: <b>10922</b> Employee # 23673
Case#:	<b>SI2021-629</b>	
Unit/Section/ Bureau:	<b>SCSO Jail Division</b>	Charging/Investigating Officer/Supervisor/Manager:
		<b>Sergeant Beach</b>
Date of Policy Violation: <b>June 29, 2021</b>		
Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	<b>SOR 301 Excessive Force</b> <b>SOR 101 COMPLIANCE WITH REGULATIONS</b> To wit: 306.06 Appropriate use for the personal alarm transmitter security staff.	
Incident Summary:		
<b>See attached Pre-Disciplinary Hearing Notice addendum, page 2</b>		
Scheduled Hearing Day, Date, Time & Location:		
I acknowledge receipt of this notification:		
	Signature:	Date: Time:
Notifying Supervisor/Manager/ Disciplinary Review Rep.		
	Signature:	Date: Time:
Employee's Initials & Date	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.	
Hearing Results/Recommendations:		
Date: Hearing Officer:		

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On <u>7/8/2021</u> the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to <span style="border: 1px solid black; padding: 2px;"><b>Ten (10) days suspension without pay</b></span>	
Employee Signature: <i>Desmon Haywood</i>	Witness Signature: <i>[Signature]</i>
Date: <i>7-8-21</i>	Date: <i>7/8/2021</i>

**SHELBY COUNTY SHERIFF'S OFFICE  
Pre-Disciplinary Hearing Notice Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Desmon Haywood</b>	S#: 10922 Emp# <b>23673</b>	Case#: <b>SI2021-629</b>
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On 06/29/2021, at about 1454 hours, Lieutenant Cato called a code blue for Fifth Floor Bravo Pod. I went to assist. When I arrived to the scene, Lieutenant Cato had control of inmate Barnes and Officer Haywood was still holding on to him. I, Sergeant Beach had to separate Officer Haywood from Inmate Barnes and gave Officer Haywood several direct orders to return to his pod before he finally complied. Upon viewing the surveillance footage, I observed Officer Haywood leave the CIWA Nurse and grab inmate Barnes from behind (as the inmate proceeded to his bunk) and placed his arm around his neck. They both fell to the floor and were engaged in a physical altercation. Officer Haywood put his arm around inmate Barnes neck as he walked him out the pod. I was also informed by Lieutenant Cato that Officer Haywood didn't have on his man down. As I viewed the surveillance footage, I saw Nurse Powell showing Lt. Cato where Officer Haywood man down was, so she could activate it (It was under the desk on top of the computer). Officer Haywood was informed that he is being referred to EAP and Use of Force Training. Officer Haywood is in violation of SCSO Policy #806-Use of Force/Chemical Agent/Restraints. He is being charged with SOR 301 "Excessive Force" for using unnecessary force when dealing with an inmate and SOR 101 Compliance with regulations to wit: 306.06 Appropriate use for the personal alarm transmitter security staff.

**SOR 301 Excessive Force**

An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person.

- Upon viewing the footage, I observed Officer Haywood leave the CIWA Nurse and grab inmate Barnes from behind as he was walking back to his bunk. They both fell to the floor as they were engaged in a physical altercation. Officer Haywood put his arm around inmate Barnes neck as he walked him out the pod.
- When I arrived to the scene, Lieutenant Cato had control of inmate Barnes and Officer Haywood was still trying to hold on to him. I had to separate Officer Haywood from Inmate Barnes and gave Officer Haywood several direct orders to return to his pod.

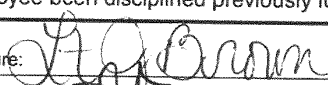

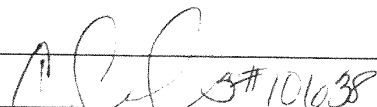
**SOR 101 COMPLIANCE WITH REGULATIONS**

Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, Standard Operating Procedures (SOP's), the SCSO Policy # 106 Code of Ethics, directives of the SCSO, and all federal, state and local laws, and Shelby County government policies

**to wit :306.06 APPROPRIATE USE FOR THE PERSONAL ALARM TRANSMITTERS SECURITY STAFF**

The PAT will be worn on the uniform belt or on the shoulder flap by security officers in all units and by the door rollers.

- I was also informed by Lieutenant Cato that Officer Haywood didn't have on his man down. As I viewed the surveillance footage, I saw Nurse Powell showing Lt. Cato where Officer Haywood man down was, so she could activate it (It was under the desk on top of the computer).

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>			<b>Case #:</b>	
<b>Disciplinary Action Form</b>			<b>SI2021-797</b>	
<b>(Use Black Ink Only)</b>				
<p>The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards &amp; Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.</p>				
Employee Name: <small>(First/Last Name)</small>	<b>Cortez Sims</b>	S# <b>10638</b>	Employee#: 21850	Date Served: <b>9/20/2021</b>
Job Classification/Rank:	<b>Corrections Deputy</b>		Unit/Section/ Bureau:	<b>S.C.S.O. Jail Division</b>
Type/Extent of Disciplinary Action:	<b>Five (5) days suspension without pay</b>			
<b>SOR 301 EXCESSIVE FORCE</b>				
<b>SOR 102 UNSATISFACTORY PERFORMANCE</b>				
Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary				
<b>See attached Disciplinary Action Form Addendum, page 2</b>				
Expected Improvement:				
<b>Officer C. Sims is expected to adhere to the responsibilities of his work related assigned duties.</b>				
Has employee been disciplined previously for the same type of infraction?		Yes	No	<input checked="" type="checkbox"/> Date:
Supervisor's Title/Signature:				Date: <b>9-20-21</b>
Manager's Title/Signature:				Date: <b>9-20-21</b>
Appointing Authority's Title/Signature:				Date:
Employee's Comments:				
Employee's Signature: 				Date: <b>9/20/21</b>
<b>Note: Signature implies only that the employee is aware that disciplinary action has been taken.</b> <b>Employees have the right to appeal this action through the administrative appeals procedure.</b>				
Explain absence of employee's signature:				
Manager/Supervisor's Signature:				Date:
Witness' Signature: <small>(If applicable)</small>				Date:

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments  
 300.06 Disciplinary Action Form

Revised: 08/10/17

**SHELBY COUNTY SHERIFF'S OFFICE  
Pre-Disciplinary Hearing Notice Addendum  
(Use Black Ink Only)**

Employee  
Name:  
(First/Last Name)

**Cortez Sims**

S#: 10638  
Employee#21850

Case#:  
**SI2021-797**

On September 13, 2021 at 1725 hours, I, (Sergeant R. Nesbitt S#9395) responded to a Code Blue in Third floor –Mike-Pod. When I arrived on the scene I was informed that Officer Cortez Sims S#10638 was involved in an altercation with inmate Darshun Jacquis Holliday Booking Number 21100418 who is housed in cell number 7. I reviewed the footage of the incident from the Surveillance Room and it showed the following: Officer Sims and inmate Holliday were at the front of the pod and Officer Sims pushed inmate Holliday and Officer Sims began to swing closed fist towards Inmate Holliday. Officer James White S#10877 entered the pod and separated inmate Holliday and Officer Sims escorting inmate Holliday to cell number 7. Officer Sims walked to the cell pushing inmate Holliday and swinging closed fist towards inmate Holliday. Officer Sims came towards inmate Holliday pushing him. Officer Sims is being charged with SOR 301 Excessive Force and SOR 102 Unsatisfactory Job Performance.

**SOR 301 EXCESSIVE FORCE**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Polices #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.

C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)

D. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- Inmate Darshun Jacquis Holliday the Video footage shows Officer Cortez Sims escorting Inmate Darshun Jacquis Holliday to his cell then pushing inmate Holliday swinging towards his facial area.
- The Video footage shows Officer Sims engaging in an altercation with inmate Darshun Jacquis Holliday three times without Holliday fighting back.
- The video footage shows Officer Cortez Sims did not remove himself from the altercation.

**SOR 102 UNSATISFACTORY PERFORMANCE**

All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.

- Surveillance was reviewed on the incident and showed Officer Sims did not secure inmate Darshun Jacquis Holliday booking number 21100418 in handcuffs when escorting inmate Holliday to his cell for refusing lock down, and did not notify the floor supervisor that one was refusing to be locked down.



*Handwritten initials*

<b>SHELBY COUNTY SHERIFF'S OFFICE</b>		
<b>Pre-Disciplinary Hearing Notice</b>		
<b>(Use Black Ink Only)</b>		
<b>Employee Name/Rank:</b> <small>(First/Last Name)</small>	Cortez Sims C/D	<b>S#: 10638</b> Employee # 21850
		<b>Case#:</b> SI2021-797
<b>Unit/Section/ Bureau:</b>	SCSO Jail Division	<b>Charging/Investigating Officer/Supervisor/Manager:</b>
		Sergeant R. Nesbitt S#9395
<b>Date of Policy Violation:</b> September 13, 2021		
<b>Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):</b>	SOR 301 EXCESSIVE FORCE SOR 102 UNSATISFACTORY PERFORMANCE	
<b>Incident Summary:</b>		
See attached Pre-Disciplinary Hearing Notice Addendum, page 2		
<b>Scheduled Hearing Day, Date, Time &amp; Location:</b>		
<b>I acknowledge receipt of this notification:</b>		
	<small>Signature:</small>	<small>Date:</small> <small>Time:</small>
<b>Notifying Supervisor/Manager/ Disciplinary Review Rep.</b>		
	<small>Signature:</small>	<small>Date:</small> <small>Time:</small>
<b>Employee's Initials &amp; Date</b>	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.	
<b>Hearing Results/Recommendations:</b>		
<b>Date:</b> <b>Hearing Officer:</b>		

**Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline**

On 9/20/2021 the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to Five (5) days suspension without pay

**Employee Signature:** *[Signature]* S#10638      **Witness Signature:** *[Signature]*

**Date:** 9/20/2021      **Date:** 9/20/2021

Original with any attachments to SCSO B.P.S.I. Disciplinary Review Section  
Copy with applicable attachments to Employee  
300.05 Pre-Disciplinary Hearing Notice

**SHELBY COUNTY SHERIFF'S OFFICE  
Disciplinary Action Form Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>Cortez Sims</b>	S#:10638 Employee 21850	Case#: <b>SI2021-797</b>
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On September 13, 2021 at 1725 hours, I, (Sergeant R. Nesbitt S#9395) responded to a Code Blue in Third floor – Mike- Pod. When I arrived on the scene I was informed that Officer Cortez Sims S#10638 was involved in an altercation with inmate Darshun Jacquis Holliday Booking Number 21100418 who is housed in cell number 7. I reviewed the footage of the incident from the Surveillance Room and it showed the following: Officer Sims and inmate Holliday were at the front of the pod and Officer Sims pushed inmate Holliday and Officer Sims began to swing closed fist towards Inmate Holliday. Officer James White S#10877 entered the pod and separated inmate Holliday and Officer Sims escorting inmate Holliday to cell number 7. Officer Sims walked to the cell pushing inmate Holliday and swinging closed fist towards inmate Holliday. Officer Sims walked off while Officer Jonathan Taylor S#11106 was escorting inmate Holliday out of the pod, Officer Sims came towards inmate Holliday pushing him. Officer Sims is being charged with SOR 301 Excessive Force and SOR 102 Unsatisfactory Job Performance.

**SOR 301 EXCESSIVE FORCE**

- A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with SCSO Policies #506 Law Enforcement - Use of Force/Chemical Agents/Restraints and #806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.
- B. All employees will not use force against any person that is unprovoked, needless, or not required during the performance of their official duties.
- C. An employee may not result to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. (Employees are permitted to use whatever force is reasonable and necessary to protect others or themselves from bodily harm.)
- D. All employees will not allow a prisoner or other person in their custody to be physically or mentally abused by any person. All necessary measures will be taken to ensure that the respect for privacy will be accorded to prisoners or other persons taken into custody. If in unclothed or disheveled condition, they will be protected against public embarrassment to whatever extent feasible.

- Inmate Darshun Jacquis Holliday the Video footage shows Officer Cortez Sims escorting Inmate Darshun Jacquis Holliday to his cell then pushing inmate Holliday swinging towards his facial area.
- The Video footage shows Officer Sims engaging in an altercation with inmate Darshun Jacquis Holliday three times without Holliday fighting back.
- The video footage shows Officer Cortez Sims did not remove himself from the altercation.

**SOR 102 UNSATISFACTORY PERFORMANCE**

- All employees will maintain sufficient competency to properly perform assigned duties and responsibilities of the position to which they are assigned.
- Surveillance was reviewed on the incident and showed Officer Sims did not secure inmate Darshun Jacquis Holliday booking number 21100418 in handcuffs when escorting inmate Holliday to his cell for refusing lock down, and did not notify the floor supervisor that one was refusing to be locked down.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Disciplinary Action Form</b> <b>(Use Black Ink Only)</b>	<b>Case #:</b> <b>SI2021-823</b>
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The employee's appropriate supervisor/manager must complete this form when disciplinary action occurs. A detailed description and all documentation of the incident must be included /attached. The supervisor/manager must sign the form and review the form before counseling with the employee takes place. The supervisor/manager/DRS staff will review the form content and expected improvements with the employee. The employee should sign the form and may include comments and must receive a copy of the form and all documentation attached. A completed form must be submitted to the SCSO Bureau of Professional Standards & Integrity Disciplinary Review Section within three (3) working days after the disciplinary action takes place.

Employee Name: <small>(First/Last Name)</small> <b>MARKUS BUCHANON</b>	s# <b>10534</b>	Employee#: <b>21557</b>	Date Served: <b>9/30/2021</b>
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Job Classification/Rank: <b>Corrections Deputy</b>	Unit/Section/ Bureau: <b>SCSO/JAIL</b>
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Type/Extent of Disciplinary Action: **Five (5) days suspension without pay**

Standard Operating Rule Violation(s):  
  
**301 Excessive Force**

Describe the incident completely listing date, time place, and person(s) involved and/or Incident Summary  
  
**See attached Disciplinary Action Form addendum, page 2**

Expected Improvement:  
  
**Officer Buchanon is expected to follow all rules and regulations.**

Has employee been disciplined previously for the same type of infraction? Yes  No  Date:

Supervisor's Title/Signature: *[Signature]* Date: **9-30-21**

Manager's Title/Signature: *[Signature]* Date: **9/30/21**

Appointing Authority's Title/Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Employee's Comments:  
  
*[Signature]*

Employee's Signature: *[Signature]* Date: **9/30/21**

**Note: Signature implies only that the employee is aware that disciplinary action has been taken. Employees have the right to appeal this action through the administrative appeals procedure.**

Explain absence of employee's signature:	Date:
Manager/Supervisor's Signature:	Date:
Witness' Signature: <small>(If applicable)</small>	Date:

Original to SCSO B.P.S.I. Disciplinary Review Section with applicable attachments  
 Copy to Employee with applicable attachments  
 300.06 Disciplinary Action Form

**SHELBY COUNTY SHERIFF'S OFFICE  
Disciplinary Action Form Addendum  
(Use Black Ink Only)**

Employee Name: (First/Last Name)	<b>MARKUS BUCHANON</b>	S#:10534 Emp#: 21557	Case#: <b>SI2021-823</b>
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On September 13, 2021, at around 0955 hours, Detention Response Team Member Officer Markus Buchanan S#10534 responded to incident number 21-0913-384 Attempted Escape. This incident began on the first floor in B-pod where inmate Roderick Moore booking number 21107800 ran out of the pod in an attempt to escape from the facility. Responding officers chased inmate Moore down the hall and the chase that ended in the Annex corridor area. Inmate Moore raised his hands and laid on the floor on his stomach. This is when Officer Buchanan deployed chemical agent. Officer Buchanan is in violation of the use of force policy (chemical agent) by deploying chemical against inmate Moore after he no longer presented a danger.

**SOR 301 Excessive Force**

A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with Use of Force/Chemical Agents/Restraints and # 806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.

- Officer Buchanan is in violation of the use of chemical standard operation procedure by deploying chemical against inmate Moore after he no longer presented a danger.

<b>SHELBY COUNTY SHERIFF'S OFFICE</b> <b>Pre-Disciplinary Hearing Notice</b> <b>(Use Black Ink Only)</b>			
Employee Name/Rank (First/Last Name) <b>MARKUS BUCHANON</b>	S#:10534 Employee # 21557	Case#: <b>SI2021-823</b>	
Unit/Section/ Bureau: <b>SCSO/JAIL</b>	Charging/Investigating Officer/Supervisor/Manager: <b>Sergeant Natasha K. Williams S#9460</b>		
Date of Policy Violation: <b>On September 13, 2021</b>			
Notice is hereby given that you have been found in violation of and are being charged with violating the following Sheriff's Office Standard Operating Rule(s):	<b>301 Excessive Force</b>		
Incident Summary:  <p style="text-align: center;"><b>See attached Pre-Disciplinary Hearing Notice Addendum, page 2</b></p>			
Scheduled Hearing Day, Date, Time & Location:			
I acknowledge receipt of this notification:			
Signature: _____		Date: _____ Time: _____	
Notifying Supervisor/Manager/ Disciplinary Review Rep.			
Signature: _____		Date: _____ Time: _____	
Employee's Initials & Date	This document is your notice of a Pre-Disciplinary Hearing based on this/these charge(s). You are also receiving a summary and/or documents that contain the basis for the listed policy violation(s). A hearing date has been scheduled because a preliminary assessment indicates that discipline may include suspension, demotion or termination. You may elect to have a fellow employee representative present, but legal counsel may not accompany you. During the hearing, you may provide written witness statements and/or evidence or materials that relate to any defense you may have to these violations and/or to the degree of punishment that may be imposed. For additional information, refer to 300.08, Pre-Disciplinary Hearing Procedures, of the Employee Discipline Policy.		
Hearing Results/Recommendations:			
Date: _____ Hearing Officer: _____			

<b>Employee Agreement to Waive a Pre-Disciplinary Hearing and Accept Proposed Discipline</b>	
On <span style="border: 1px solid black; padding: 2px;">9/30/2021</span>	the above notified employee, having been advised of his/her rights to a Pre-Disciplinary Hearing, waived this right, and agreed to
<span style="border: 1px solid black; padding: 2px; display: inline-block;">Five (5) days suspension without pay</span>	
Employee Signature: <i>M. Buchanan</i>	Witness Signature: <i>[Signature]</i>
Date: <i>9/30/21</i>	Date: <i>9/30/2021</i>

**SHELBY COUNTY SHERIFF'S OFFICE**  
**Pre-Disciplinary Hearing Notice Addendum**  
*(Use Black Ink Only)*

Employee Name: <small>(First/Last Name)</small>	<b>MARKUS BUCHANON</b>	S#:10534 Employee#: 21557	Case#: <b>SI2021-823</b>
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On September 13, 2021, at around 0955 hours, Detention Response Team Member Officer Markus Buchanon S#10534 responded to incident number 21-0913-384 Attempted Escape. This incident began on the first floor in B-pod where inmate Roderick Moore booking number 21107800 ran out of the pod in an attempt to escape from the facility. Responding officers chased inmate Moore down the hall and the chase that ended in the Annex corridor area. Inmate Moore raised his hands and laid on the floor on his stomach. This is when Officer Buchanon deployed chemical agent. Officer Buchanon is in violation of the use of force policy (chemical agent) by deploying chemical against inmate Moore after he no longer presented a danger.

**SOR 301 Excessive Force**

- A. An employee will not use unnecessary force or violence in making an arrest or in dealing with a prisoner or any person. Unnecessary force or violence will be determined by compliance or noncompliance with Use of Force/Chemical Agents/Restraints and # 806 Jail – Use of Force/Chemical Agents/Restraints or any other policy or procedure related to the Use of Force. Prisoners, suspects and others will be treated in a fair and humane manner. They will not be humiliated, ridiculed or taunted.
- Officer Buchanon is in violation of the use of chemical standard operation procedure by deploying chemical against inmate Moore after he no longer presented a danger.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF TENNESSEE

NICOLE FREEMAN, as wrongful death
representative of Gershun Freeman and next
friend of minor child T.F.,

Plaintiff(s)

v.

SHERIFF FLOYD BONNER, in his individual
capacity; CHIEF JAILER KIRK FIELDS, in his
individual capacity; and the GOVERNMENT OF
SHELBY COUNTY, TENNESSEE

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) KIRK FIELDS, CHIEF JAILER
201 Poplar Avenue
9th Floor
Memphis, Tennessee 38103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Brice M. Timmons
DONATI LAW, PLLC
1545 Union Ave.
Memphis, TN 38104
(901) 278-1004
brice@donatilaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF TENNESSEE

NICOLE FREEMAN, as wrongful death
representative of Gershun Freeman and next
friend of minor child T.F.,

Plaintiff(s)

v.

SHERIFF FLOYD BONNER, in his individual
capacity; CHIEF JAILER KIRK FIELDS, in his
individual capacity; and the GOVERNMENT OF
SHELBY COUNTY, TENNESSEE

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

GOVERNMENT OF SHELBY COUNTY, TENNESSEE
ATTN: Marlinee Iverson, County Attorney
160 N. Main Street, 9th Floor
Memphis, Tennessee 38103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Brice M. Timmons
DONATI LAW, PLLC
1545 Union Ave.
Memphis, TN 38104
(901) 278-1004
brice@donatilaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

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I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF TENNESSEE

NICOLE FREEMAN, as wrongful death
representative of Gershun Freeman and next
friend of minor child T.F.,

Plaintiff(s)

v.

SHERIFF FLOYD BONNER, in his individual
capacity; CHIEF JAILER KIRK FIELDS, in his
individual capacity; and the GOVERNMENT OF
SHELBY COUNTY, TENNESSEE

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) FLOYD BONNER, JR., SHERIFF
201 Poplar Ave. 9th Floor
Memphis, TN 3103

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you
are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ.
P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of
the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney,
whose name and address are:

Brice M. Timmons
DONATI LAW, PLLC
1545 Union Ave.
Memphis, TN 38104
(901) 278-1004
brice@donatilaw.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint.
You also must file your answer or motion with the court.

CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

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I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
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I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

JS 44 (Rev. 04/21)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

**NICOLE FREEMAN**, as wrongful death representative of **Gershun Freeman** and next friend of minor child **T.F.**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

**DEFENDANTS**

**SHERIFF FLOYD BONNER**, in his individual capacity;  
**CHIEF JAILER KIRK FIELDS**, in his individual capacity,  
**GOVERNMENT OF SHELBY COUNTY, TN**  
County of Residence of First Listed Defendant \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>INTELLECTUAL PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
**28 U.S.C. Sections 1331 and 1343(a), and 42 U.S.C. Sections 1983 and 12132**  
 Brief description of cause:  
**Unlawful treatment while incarcerated which led to wrongful death**

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** \_\_\_\_\_ CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE **The Honorable Sheryl H. Lipman** DOCKET NUMBER **2:22-cv-02862**

DATE **04/04/2023** SIGNATURE OF ATTORNEY OF RECORD **/s/Brice M. Timmons**

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_