

City of Memphis

MYRON LOWERY – Mayor Pro Tem
JACK SAMMONS – Chief Administrative Officer

DIVISION OF POLICE SERVICES
LARRY A. GODWIN - Director

September 8, 2009

Wanda Halbert
Memphis City Council
125 N. Main
Memphis, Tn 38103

Mrs. Halbert,

It is apparent to me that you will continue to use your elected position to attack the men and women of the Memphis Police Department. Frankly, your attempt to influence in this community with false accusations against the Memphis Police department is both appalling and irresponsible.

So that my response may not be taken out of context, I will reply to each statement as received from you in the email sent September 8, 2009. In order to address your accusations of police misconduct, it is imperative that ALL the facts are presented. Unfortunately all too often you choose to examine those facts which benefit your arguments and ignore those facts which invalidate "your concerns".

"According to an article in the Commercial Appeal dated September 6th, an incident involving my son was cited and an investigation of city records discovered, "As it turned out, the data showed most suspects were treated in the exact manner as Halbert's son -- they were given a citation, not jail. She didn't get any special treatment. "" (Halbert email 9/8/09)

Mrs. Halbert, the majority of suspects who are arrested for misdemeanor possession of marijuana are issued misdemeanor citations. However, this is entirely different from resisting arrest. When a suspect is disorderly, he is most often physically arrested and transported to jail. And more to the point of the incident that you refer to in the 900 block of South Highland (where the suspect in this case resisted arrest), without exception these crimes require physical arrest and transport of the suspect to jail.

"A previous article dated July 2nd, reported two officers demoted, "were each demoted one rank and suspended for 20 days after administrative hearings upheld personal-conduct and neglect-of-duty charges brought by the police department. The charges resulted from an investigation ordered by Police Director Larry Godwin into the way officers dealt with a disturbance involving Kelvin Burrus, 24, the son of councilwoman Wanda Halbert." While I am one who knows the importance of not simply believing a story in the local newspaper, there were many inappropriate allegations and actions made by the Police Department. If it has now been discovered the data showed most suspects

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were treated in the exact manner as my son, I am not sure I understand why officers were demoted. I have obtained a list via an open records request, and it is a matter of record, many adults have been called to a scene of a police situation for individuals 18 years of age and older (including former Mayor Herenton and yourself).” (Halbert email 9/8/09)

Mrs. Halbert, you mention “*allegations made by the Memphis Police Department*”. Not surprisingly you chose to omit these “*allegations*”. Allegations of misconduct on your part were never made by anyone with the MPD; in fact, the statement released by the MPD stated just the opposite. Our position was made clear in the Commercial Appeal as it reported the media release distributed to all media by the MPD. (Commercial Appeal, “Police: Wanda Halbert Didn’t Interfere With Investigation”, June 24th, 2009).

“She (Halbert) acted as a concerned parent and did not interfere or attempt to influence the officers,” according to an MPD statement.

My statements to the media on this topic and the MPD media release made it crystal clear that you did not act improperly, but were merely showing the same concern that you allege I, Dr. Herenton and thousands of other concerned parents in this community have shown with regard to our children.

Further, I must address your statements regarding the demotions of the supervisors who made the scene AFTER this incident occurred. Number one, the disciplinary actions taken had absolutely nothing to do with you, your position, or your presence on the scene that morning. Supervisory officers DO NOT have the authority to influence an officer’s decision on misdemeanor violations of state law. The investigation and the statements of all parties on the scene revealed that the major DID ORDER THE OFFICER NOT TO CHARGE THE DEFENDANT with resisting arrest and to issue a misdemeanor citation and release him. A major does not have the authority to give this order, and the Lt Colonel on the scene failed to intervene.

As the Police Director I am not involved in administrative hearings, and I do not make any decisions regarding the discipline that is ordered by my majors, lieutenant colonels, colonels and chiefs. The officers of this department have a right to due process in regards to administrative discipline; I have never intervened or given orders that would circumvent or taint this process.

“Additionally, it was extremely alarming why the MPD investigation did not reveal the physical and verbal abuse witnessed by many officers my son received by the rookie officer on the scene. Not that it is an excuse or acceptable, my son became overly agitated by this and the officer's actions created the hostile situation in which the rookie officer actually said to my son, “I don't give a F about your black A or your momma.” (Halbert email 9/8/09)

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Of all of your statements, this one is the most absurd. The Inspectional Services Bureau (ISB) opened an investigation due to your complaints of misconduct and the media attention to this incident. ISB investigators made NUMEROUS requests of your son Kelvin Burrus and witnesses Johnson and Clark to give statements on the incident. ALL REFUSED TO COOPERATE WITH ISB OR GIVE STATEMENTS. Additionally, your office was contacted and NUMEROUS messages were left requesting that you contact ISB; you never bothered to return any calls. It is Kelvin Burruss' right to go to Inspectional Services and make his complaints against any officer who may have used more than the necessary force needed to affect an arrest on an individual who has resisted arrest. If your accusations are true, why did you, your son and the "witnesses" refuse to give statements or cooperate with the investigation?

"Finally, I reported an incident to you (city attorney, former mayor, and current mayor pro-tem who was council chair at the time) several months ago in which MPD officers entered my son's apartment without a search warrant or subpoena allegedly looking for a criminal. NEVER did you attempt to investigate the situation, I received a mere apology and acknowledgment by a MPD chief. There have been approximately 7 or 8 incidences causing me to believe there is retaliation." (Halbert email 9/8/09)

The incident that you refer to with your son's apartment was investigated, and you were apprised of that investigation in detail, as you have been each and every time you have contacted me regarding any complaint of yours or a citizen's. And once again, you refer to "7 or 8 (incidents)" causing you to perceive retaliation. Please bring these incidents to light. Why have you not cited these instances in your email? Further... why exactly would the MPD be "retaliating" against you and your family?

"This is the kind of behavior that creates a sense of perceived racism, fear, and/or retaliation by many citizens of those who are hired to protect and serve. If an elected representative and his/her family experiences this kind of rogue behavior, God forbid what may be happening to the everyday citizen of Memphis?" (Halbert email 9/8/09)

Unfortunately your false accusations do nothing to quell any "sense of perceived racism, fear, and/or retaliation" in our community. Complaints against MPD are down almost 50% over the last two years and the MPD has received the highest approval rating ever via the Memphis Poll. I must ask once again: What have you done to the MPD for which we are allegedly retaliating?

In conclusion, let me say that I have spent the last 5 years as the Police Director bringing a culture of integrity, accountability and leadership which has been absent in this department

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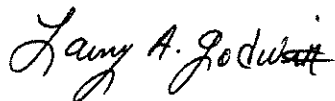
for over two decades. I refuse to sit back any longer and allow you to destroy the hard work of Memphis Finest because you have this notion that someone is after you and your family. Your accusations and attacks come without the facts to support them and it is an embarrassment to this city.

This is the bottom line Ms Halbert: citizens should respect the law rather than violate the law. Park where we are supposed to, refrain from possessing marijuana, keep vehicles registered, and do not disturb the peace. And when an individual chooses to go against the grain of society and these laws, he or she should be ready to shoulder the repercussions rather than place blame on the fine officers of the MPD. These officers are simply doing their job to make this community safe for those citizens who DO choose to abide by the law and who DO have respect for officers that choose to responsibly enforce it.

Your goal to tarnish my name and this department's name is obvious and it appears that you will stop at nothing to achieve it. You even went so far as to demand my termination from our previous mayor. While I will persevere through your personal attacks and political agenda against me, I WILL NOT sit back and allow you to continue to run down the hard working men and women of the Memphis Police Department.

Finally Mrs. Halbert, I encourage and strongly suggest that you request a full federal investigation into your demented accusations that this department is "targeting" you and your family. If your allegations are factually based then I am sure that you will have no issues taking your complaints to the Federal Bureau of Investigation or any other agency, such as the Tennessee Bureau of Investigation or the District Attorneys Office... unless of course you believe that they are all involved in a conspiracy against you and your family.

Sincerely,



Director Larry A. Godwin
Memphis Police Department

Cc: Mayor Pro Tem Myron Lowery
Jack Sammons, CAO - City of Memphis
Memphis City Council Members
My Harrison, Federal Bureau of Investigation
Mark Gwyn, Director, Tennessee Bureau of Investigation
William Gibbons, Shelby District Attorney General



COUNCILWOMAN WANDA M. HALBERT
MEMPHIS CITY COUNCIL
125 N. Main Street Suite 514 · Memphis, TN 38103
(901) 576-6786

PRESS STATEMENT:
September 9, 2009

Please be advised, an inquiry was made questioning the demotion of two high ranking police officers following a September 6, 2009 report by a local newspaper citing data obtained from the City of Memphis identifying a standard police procedure was used as justification for the demotion. In addition, the inquiry also acknowledged the historical practice of contacting parents or other adults for incidences involving individuals 18 years of age and older (including police officials). As a result, an incensed response was submitted.

I will stand firm against manipulation of public perception as a method to hide injustices by any level of government and I will fearlessly represent every constituent as sworn to under my oath of office.

Citizens of Memphis, elected or otherwise, should not be subjected to any level of disrespect, retaliation, or injustices by those whose responsibility is to protect and serve. We should not be subjected to bully-pulpit tactics of any city employee and I will challenge same.

It is a matter of record, many citizens of Memphis have been denied employment opportunities in the police department based on juvenile, dismissed, false, and expunged records. It is also a matter of record, reporting these cases has resulted in bitter divisiveness and continued injustices that I will not only fight against but report to a higher level of authorities should it become necessary. The citizens of Memphis know we have ignored this kind of injustice far too long and I am committed to ensuring it ends **NOW!**

I have been accused by members of the City Council, the administration, and the public of not informing the administration of reported individual concerns regarding police hiring. I have never nor will I ever backed away from defending my representation of the citizens of Memphis .

While the allegation is untrue, not only have I reported complaints on numerous occasions, below is a July 1, 2008 email clearly detailing how we have all been informed of a problem by at least one individual, directly or indirectly.

According to his account, this young man is a deputy jailer denied employment due to a dismissed arrest record (court found plaintiff made up accusation). After his challenge of the process, he was allowed back into the applicant pool but was again denied at the psychological testing level, another area of potential employment challenge discussed in public council meetings. He has also raised questions of the city as to why applicants are being forced to sign a waiver to not challenge the outcome of the psych decision when one individual is being allowed to make a subjective decision in such an important process. If one does not sign the waiver, the applicant process immediately ends. This same individual knows of other deputy jailers denied for questionable reasons while serving as POST certified, commissioned officers on behalf of Shelby County Government.

While we all have areas of expertise, knowledge, and interest, none of us should challenge the others integrity unless one has clear evidence of the need to do so. This kind of inappropriate/unprofessional behavior should be an ethical challenge through the ethics process established at the city level.

I work very hard for my constituency, they believe in my representation, and trust my judgment. It has been disrespectful, unprofessional, and down right egregious to mislead the public, creating the hate and anger stirred by a deliberate use of chaos theory so some can get what they want while ignoring the pleas of justice and equity of others.

In the event you have not paid attention, I generally don't deal with any issues where I have not:

- a) Appropriately forwarded the concern to the proper administrative personnel,
- b) Inquired directly to appropriate individuals if additional concerns exist (after above ref)
- c) Brought to the attention of all Council members and/or executives ongoing reported problems,
- d) Kept a paper trail for future inquiry purposes.

Retaliation has been a big factor against many who "tell" what is going on, including that of me and/or my family, therefore, I don't identify these individuals before the public, only to the administration. **Elected rep's voices are suppose to serve as the "shield" of the public interests and/or concerns.**

Finally, if an issue is forwarded to the administration for inquiry, it is the administration's

(paid professional) responsibility to investigate and provide evidence the city has or has not created inappropriate actions, not the City Council representative. It becomes the Council's responsibility if/when it is clear the interest of the public has not been appropriately served/handled by the administration or Council.

Something is wrong with the inability to hire police officers from the city and county. It is all of our responsibility to ensure the we are not wronging our public.

**FOR THOSE OF YOU WHO MAY BE TRYING TO DILIBERATELY MISLEAD
THE PUBLIC - - STOP IT! CONTINUING TO DIVIDE HURTS US ALL.**

Wanda Halbert, Councilwoman District 4

Memphis City Council

wanda.halbert@memphistn.gov

wmhalbert@yahoo.com

901 576-6786 Office

--- On Wed, 7/2/08, WANDA HALBERT <wmhalbert@yahoo.com> wrote:

From: WANDA HALBERT <wmhalbert@yahoo.com>

Subject: Police Applicants:

To: "Keith McGee" <keith.mcgee@memphistn.gov>, "Elbert Jefferson" <elbert.jefferson@memphistn.gov>

Cc: shea.flinn@memphistn.gov, shea@flinn.com

Date: Wednesday, July 2, 2008, 3:51 PM

After having an opportunity to discuss and review police data that catalogs questionable hiring practices/processes, I was asked to give the names of individuals who felt they were not given a fair hiring opportunity.

I am requesting the City of Memphis discover and provide that very information to Council. Please answer the following:

1. All data on applicants who were denied hiring opportunities as a result of possessing:
 - a. Dismissed arrest records
 - b. Expunged arrest records
 - c. Expunged convicted records
 - d. Failure to pass a psychological test
 - e. Failure to pass a psychological interview

2. As per the federal law creating the opportunity to use National Crime Information Center (NCIC), "Criminal history data is disseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only where such dissemination is authorized by Federal or state statutes and approved by the Attorney General of the United States."

From: Rutherford, Sandra
Sent: Tuesday, July 01, 2008 3:45 PM
To: Cain, Pam ; Clark, Dynisha ; Donaldson, Pat ; Fuhrmann, Maria ; Gallaway, Ann ; Geater, Lisa ; Keplinger, Juaness ; Lewis, Patricia ; Rutherford, Sandra ; Spears, Danielle; Wordlaw, Sophia
Cc: Ford Jr., Edmund ; Boyd, Bill ; Fulllove, Janis
Subject: FW: Memphis Police Academy Unfair Hiring Process

Please forward the following message to your Council Members, per the constituent's request.

Thanks,

Sandy Rutherford, Administrative Assistant
Memphis City Council
901-576-6795 phone
sandra.rutherford@memphistn.gov

From:
Sent: Tuesday, July 01, 2008 3:32 PM
To: Rutherford, Sandra
Subject: FW: Memphis Police Academy Unfair Hiring Process

--- On Tue, 7/1/08, Willie.Herenton@memphistn.gov <Willie.Herenton@memphistn.gov> wrote:
From: Willie.Herenton@memphistn.gov <Willie.Herenton@memphistn.gov>
Subject: FW: Memphis Police Academy Unfair Hiring Process
To:
Date: Tuesday, July 1, 2008, 3:29 PM

From:
Sent: Tuesday, July 01, 2008 1:54 PM
To: Herenton, Willie
Subject: Memphis Police Academy Unfair Hiring Process

Hello Mayor Herenton, I am writing you due to a problem I and many others are having with the way the Memphis Police Academy is conducting their hiring process. My complaint is that the Police Academy is unfair, bias, and subjective in their recruitment process. Many of the individuals who I will not name are employees of Shelby County Government as deputy jailers with the Sheriff's Office or correctional officers with the Shelby County Correctional Center have been unfairly turned away for the position of police officer by the Memphis Police Academy. I think we as deputy jailers and correctional officers ought to be considered as the most qualified individuals in the selection process for becoming a Memphis police officer; but instead many of us, I think are being intentionally overlooked. We are being turned away because of some psychological doctor representing the department decides that we are not fit to become a Memphis police officer. This is unfair for one individual to subjectively decide a person's future and career in this manner. About 10-15 years ago the Memphis police academy did not make people go through a psychological interview with a psych doctor; only a psychological written test was conducted. The problem with the psych interview is the

tremendous amount of subjectivity and the unfair judgement of an individual based on one encounter. The other way the academy is turning away potential good police officers is with past arrest records. Not convictions, but arrests records only. This is unfair, and I think discriminatory because some individuals like myself who were arrested, but found innocent in a court of law of all criminal charges, my record was also expunged of the charges, and yet I was turned away after revealing to the academy that I had been arrested before. I think that it is unfair, unjust, and discriminatory for the Memphis Police Department to find me guilty of a pass crime, when the courts found me innocent of that crime. I'm sure that there are many police officers who are currently on the department who have had arrest records and even convictions before joining the department. Earlier I stated that I did not want to reveal who I am or the names of the other complainants. The reason being is the abuse and unfair treatment we would get if while in the police academy. That is the conclusion of my complaint. I hope that you can help me Mayor; I really want to be a police officer and public servant to the Memphis community. And thank you for taking my complaint.

From: [REDACTED]
Subject: Police Officer
To: "wmhalbert@yahoo.com" <wmhalbert@yahoo.com>
Date: Wednesday, August 12, 2009, 12:32 PM

Hello Miss Halbert, this is [REDACTED] and I wanted you to know that I have not heard anything else from the City Of Memphis Human Resource Office since they contacted me in June. I was informed today that no more applications for MPD would be taken until October of this year. Remember the supervisor I met with told me that I did not have to fill out another application. Can you help me find out what is going on. Thank you for your cooperation in this matter.

Sent from my iPhone

PRESS Statement:

WANDA HALBERT [wmhalbert@yahoo.com]

Sent: Thursday, September 10, 2009 9:41 AM

To: mediaverse.memphis@gmail.com; adouglas@wmctv.com; amEEK@memphisdailynews.com; bdries@memphisdailynews.com; ben@600wrec.com; bjohnson@am1070wdia.com; bojay@am1070wdia.com; brucev@memphisflyer.com; debbiehall@clearchannel.com; desk@wmctv.com; doniach@commercialappeal.com; foxdesk@gmail.com; Phyllis Fickling GM [pfickling@tri-statedefender.com]; jefflee@clearchannel.com; jmajor@wmctv.com; kajanaku@tri-statedefender.com; lcrisp@myeyewitnessnews.com; memphis.media@yahoo.com; news@600wrec.com; news@myfoxmemphis.com; WREG News; newsdesk@myeyewitnessnews.com; stanbell@clearchannel.com; stormyt@clearchannel.com; thaddeus.matthews@gmail.com

Cc: harold.collins@memphistn.gov; bill.morrison@memphistn.gov; Kemp Conrad [KConrad@commadv.com]; dayton.tmo@blackberry.net; dayton@tmo.blackberry.net; Edmund.Fordjr@memphistn.gov; harold.collins@scdag.com; Janis.Fullilove@memphistn.gov; joe.brown@memphistn.gov; jstrick212@aol.com; kemp.conrad@memphistn.gov; shea.flinn@memphistn.gov; swearngen.ware@memphistn.gov; Wanda.Halbert@memphistn.gov; williamboyd@bellsouth.net

Attachments: PRESS STATEMENT RE MPD.doc (38 KB) ; MPD Docs.pdf (671 KB) ; Letter from Godwin.doc (66 KB)

Attn Media Affiliates:

Attached is a press statement to news outlets publicizing or interested in publicizing a letter received by me from the Memphis police director. Additionally, attached are a few supporting documents clearly showing evidence of false information by officials relative to police hiring which has caused the appearance of retaliation. It is important if a story is to be told it is factual with documentation.

Councilwoman Wanda Halbert will not be bullied into covering up illegal practices, injustices, retaliation, or fear. The citizens of Memphis deserve better and should be fully made aware there are problems in the local government system many hide while attempting to silence those who boldly attempt to eliminate it.

Thank you,

Wanda Halbert, Councilwoman District 4

Memphis City Council
wanda.halbert@memphistn.gov
wmhalbert@yahoo.com
901 576-6786 Office

You forwarded this message on 7/26/2008 5:21 PM.

Halbert, Wanda

From: Godwin, Director Larry

Sent: Wed 4/23/2008 11:00 AM

To: Halbert, Wanda

Cc:

Subject: Re: District 4 Complaint:

Attachments:

I will be glad to look into an individual case like this. However, I am very familiar with the POST Commission for I am a sitting Commissioner. Waivers are looked at very closely by members of this Commission. We have standards and I will not lower them. We try very hard to recruit from within our City and if they meet our standards then we try to hire. Keep in mind an expunged case is not expunged from law enforcement and we cannot turn a blind eye to their charges. As far as residency that is a Council issue. As Director you can rest assure that I will work within the guidelines given to me and will do everything in my power to hire the needed officers. I know if we do not get the officers crime will be more of an issue in this community in the future. We are also competing across the country and our sister cities do not have residency requirements.

----- Original Message -----

From: Halbert, Wanda

To: Godwin, Director Larry; Pilot, Deputy Director Janice

Sent: Wed Apr 23 10:41:21 2008

Subject: RE: District 4 Complaint:

That's fine, as long as you all are on top of it.

Another thing, you know that I've expressed concern regarding relaxing the residency rules for hiring officers. I could not imagine why we could not get more of our citizens interested in the job. Something has come up and I looked into it myself before contacting you.

[REDACTED] (Individual I know) applied for the job, has passed the necessary test (up to whatever point he was). He received a letter signed by Clay Manuel suggesting his background was in question. [REDACTED] was a little confused as he is commissioned by the state to carry a gun, works as a security guard and I think I remember him saying there was no problem with the sherriff dept background check. [REDACTED] revealed to me, he had an assault and/or disorderly conduct incident back in 1997 but it was expunged and sealed.

It was stated the State made the decision to not allow a passing background check which stopped his application process. I contacted Brian with the Port Commission and was told, the Commission may deny based on past activity, however, if the charge was a misdemeanor they wave those all the time because some issues may be petty fights between neighbors, etc. Brian also said, even if the Port Commission denies an applicant, the local authority can request a waiver.

Director Godwin, this individual's charge was a misdemeanor, it was expunged and sealed. He also has a military background, and works as a security guard for the county. I'm not asking you to hire this guy but it does appear to be a case where decisions are made with little or no waiver consideration when it can be. Is the MPD this strict with all applicants, do they all have steller backgrounds with little or no waiver consideration? If we were a perfect people, city, or police system the answer would be yes.

I remember a time when a married male police officer impregnated a female police officer who tried to run the wife off the road. When I reported this years ago, it was brushed off as if the female officer would never do such a thing. The mere fact she got pregnant and had the baby by a married officer spoke volumes of her character and ability to police the public, but they are still employed.

There is a reason why we can't get the recruits you need out of Memphis. This example shows somewhere in the process, individual decisions are being made that block potential officers. I am only asking you look into

this and other ways we do not have to allow silly past descretions to hold back some while promoting/hiring others.

Thank you,

W. Halbert
