

December 4, 2024

Kristen Clarke
Assistant Attorney General
Civil Rights Division

Steven Rosenbaum
Chief, Special Litigation Section
Civil Rights Division

Maureen Johnston
Deputy Attorney General
Civil Rights Division

Re: Department of Justice Pattern or Practice Investigation of City of Memphis

Dear Ms. Clarke, Mr. Rosenbaum, and Ms. Johnston,

The City of Memphis (the “City”) received your request to enter into an Agreement in Principle (the “Agreement”) with the Department of Justice (“DOJ”). The Agreement would require the City to agree in principle to negotiate a consent decree aimed at institutional police and emergency services improvement without having adequate time or opportunity to review and/or vet the DOJ’s forthcoming findings report. In the best interest of our community, we cannot do that. Moreover, the investigation and unreleased findings only took 17 months to complete, compared to an average of 2-3 years in almost every other instance, implying a rush to judgment.

Additionally, as you are aware, a legal finding supporting the contention that the City’s patterns and practices violate the Constitution requires a legal process. That entails, among other things, the ability to challenge your methods of evaluating information, the credibility of witnesses, and the facts you used to arrive at your conclusions.

Until the City has had the opportunity to review, analyze, and challenge the specific allegations that support your forthcoming findings report, the City cannot—and will not—agree to work toward or enter into a consent decree that will likely be in place for years to come and will cost the residents of Memphis hundreds of millions of dollars. From what we understand, consent decrees remain in place for an average of more than ten years, with absolutely no controls to ensure timely completion or consideration for the financial impact to the affected community. Such a proposal is not the right solution for Memphis.

After evaluating the effects of these consent decrees in other cities, we believe there are better ways to reimagine policing that do not slow the process or cost the taxpayers millions of dollars. Previously, the DOJ has used technical assistance letters to aid police departments in their improvement plans; that is an option we would be open to discussing. There are a number of changes that have already been put in place prior to, and since, DOJ began its investigation. Following a review of your findings report, we will work with partners within the City of Memphis as well as with national police reform experts and the DOJ to produce an improvement plan that can be implemented much more effectively and efficiently than a consent decree.

The City has fully cooperated with the DOJ's pattern and practice investigation since it was announced on July 27, 2023. Specifically, the City allowed DOJ investigators almost unfettered access to 1) interviews and ride-alongs with police officers; 2) our data; 3) our policies; 4) our procedures; and 5) and our body-worn camera footage. The City provided the DOJ with this level of transparency notwithstanding the fact that the City had very little insight into the process underlying the investigation. You did not identify the officers or citizens you interviewed, nor have you provided the City access to your data analysis.

The City is committed to supporting the Memphis Police Department's continuous improvement plan, and we will be in contact with you in the next several weeks after we have had an opportunity to thoroughly review and legally analyze the forthcoming report.

Best regards,

A handwritten signature in black ink, appearing to read 'T.G. Gibson', with a long horizontal line extending to the right.

Tannera George Gibson
Chief Legal Officer/City Attorney
City of Memphis