



STATE OF TENNESSEE
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

CHANGE OF STATUS

NAME: Haley, Demetrius, _____
(Last) (First) (Middle)

DEPARTMENT: Memphis Police Department CERTIFICATION NUMBER: 2072-1713

☐ **SEPARATION:** This is to notify the POST Commission that the named officer is no longer employed by this department as indicated below:

Type of Separation

Effective Date (mm/dd/yyyy)

☐ Resigned _____/_____/_____

☐ Retired _____/_____/_____

☐ Terminated _____/_____/_____

☐ Discharged _____/_____/_____

☐ Other _____/_____/_____

Reason: _____

New Employer, if known _____

☐ **CHANGE OF NAME/RANK:** From _____ to _____
Effective Date of Change: _____/_____/_____

☒ **LEAVE:** This officer has been granted leave as indicated:

From: 01/08/2023 To: _____/_____/_____

☒ Administrative

☐ Educational

☐ Military

☐ Medical

☐ Maternity

Returned to full time status on: _____/_____/_____

☐ **SUSPENSION:** This officer has been suspended for a period of thirty (30) days or more

From: _____/_____/_____ To: _____/_____/_____ for the following reason(s)

Officer relieved of duty effective January 8, 2023.

FOR POST USE ONLY

File _____ DOE _____/_____/_____

Card: 4x6 _____ 3x5 _____ DOB: _____

DOC: _____/_____/_____ #: _____

Signature of Agency Head

Cerelyn J. Davis
Print/Type Name of Agency Head

Memphis Police Department
AGENCY



TENNESSEE
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

CHANGE OF STATUS

NAME: Haley, Demetrius, J.
(Last) (First) (Middle)

DEPARTMENT: Memphis Police Department **CERTIFICATION NUMBER:** 2072-1713

☒ **SEPARATION:** This is to notify the POST Commission that the named officer is no longer employed by this department as indicated below:

Type of Separation

Effective Date (mm/dd/yyyy)

☐ Resigned _____/_____/_____

☐ Retired _____/_____/_____

☒ Terminated 01/20/2023

Reason: _____

☐ Discharged _____/_____/_____

☐ Other _____/_____/_____

New Employer, if known _____

☐ **CHANGE OF NAME/RANK:** From _____ to _____
Effective Date of Change: _____/_____/_____

☐ **LEAVE:** This officer has been granted leave as indicated:

From: _____/_____/_____ To: _____/_____/_____

☐ Administrative

☐ Educational

☐ Military

☐ Medical

☐ Maternity

Returned to full time status on: _____/_____/_____

☐ **SUSPENSION:** This officer has been suspended for a period of thirty (30) days or more

From: _____/_____/_____ To: _____/_____/_____ for the following reason(s)

FOR POST USE ONLY

File _____ DOE _____/_____/_____

Card: 4x6 _____ 3x5 _____ DOB: _____

DOC: _____/_____/_____ #: _____

Signature of Agency Head

Cerelyn J. Davis

Print/Type Name of Agency Head

Memphis Police Department
AGENCY



***Peace Officer Standards and Training Commission
Decertification Request***

Agency Requesting Decertification: Memphis Police Department

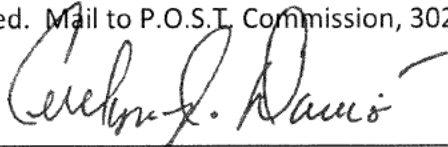
Name of Officer: Demetrius Haley PSID#: 2072-1713

Address: [REDACTED]

Please check all that apply:

- ☐ 1. Convicted of any state or by federal government of any crime the punishment which could have been imprisonment in a federal or state prison or institution; or
- ☐ 2. Convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or to any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor and other alcoholic beverages, controlled substances, or a sufficient number of misdemeanors to establish a pattern of disregard for the law; or
- ☒ 3. Suspended or discharged 30 days or longer, resign in lieu of termination, resign with disciplinary action pending that could have resulted in termination, or discharged by his/her employing law enforcement agency for disciplinary reasons; or
- ☐ 4. Found to have supplied or acquiesced in false information being supplied to the P.O.S.T. Commission regarding eligibility for certification; or
- ☐ 5. Fail to participate in a 40 hour in-service training program each calendar year; or
- ☐ 6. Fail to maintain pre-employment requirements.

*All supporting documentation **must** be attached in order for the P.O.S.T. Commission to proceed. Mail to P.O.S.T. Commission, 3025 Lebanon Rd., Nashville, Tn. 37214



Signature of Law Enforcement Agency Head

Date: 01 / 25 / 2023

Cerelyn J. Davis

Print Name

City of Memphis
Police Division
Inspectional Services Bureau

Memphis Police Dept.
Human Resources

JAN 25 2023

Case # I2023-001

Statement of Charges

RECEIVED

Officer's Name: Haley, Demetrius

IBM # 14730

Rank: Police Officer II

Assignment: OCU/Scorpion Unit

Date: January 14, 2023

Notice is hereby given that you are being charged with violation(s) of policy, law or regulations as shown below:

DR 104 Personal Conduct: TERMINATION

DR 108 Truthfulness: TERMINATION

DR 120 Neglect of Duty: TERMINATION

DR 301 Excessive Force/Unnecessary Force: TERMINATION

DR 101 Compliance with Regulations to wit: BWC: 40 DAY SWOP

DR 603 Information Concerning Police Business: 40 DAY SWOP

Date of Occurrence: January 7, 2023

Statement of Particulars:

On January 7, 2023, you and your partners initiated a traffic stop at E. Raines and Ross Road where your partner alerted you of a reckless driver who died at the hospital three days later following a use-of-force incident. You exited your unmarked vehicle stopped in an opposing traffic lane and you forced the driver out of his vehicle while using loud profanity and wearing a black sweatshirt hoodie over your head. You never told the driver the purpose of the vehicle stop or that he was under arrest. Audio from a body worn camera did not capture the driver using profanity or displaying any violent threats. You also were on an active cell phone call where the person overheard the police encounter. After the subject was placed in custody at Castle Gate Lane and Bear Creek Cove, you and other officers were captured on body worn camera making multiple unprofessional comments such as "that muthafucka made me spray myself", laughing, and bragging about your involvement. Your conversation and lack of concern for the injured subject was witnessed by a civilian who took photographs and cell phone video. The civilian's viewpoint was you and your partners left the injured subject lying on the ground, handcuffed and unattended. The report of the victim's death was broadcasted on both local and national media sites. The release of any digital evidence of you and your partners' actions will shed a bad light on the Department and City of Memphis.

Your on-duty conduct was unjustly, blatantly unprofessional and unbecoming for a sworn public servant. Your actions place you in violation of DR 104 Personal Conduct which states:

DR 104 PERSONAL CONDUCT

The conduct of each member, both on and off-duty, is expected to be such that it will not reflect adversely on other members, the Department, the City of Memphis, or the law enforcement profession. This regulation applies to both the professional and private conduct of all members. It includes not only all unlawful acts by members but also acts which, although not unlawful in themselves, would violate either the Law Enforcement or Civilian Code of Ethics, and would degrade or bring disrespect upon the member or the Department.

You were required to complete a Response to Resistance form to provide a truthful account of your use of force during your encounter with a suspect. In your incident summary, you wrote that you heard your partner tell the individual, "Let my gun go!" before he was taken to the ground. You were also heard making the same statement on body-worn camera to your partners in the presence of witness officers. However, video evidence did not support your oral or written statement and your information was deemed untruthful. As a result, two of your other partners also reported an incorrect statement. During your Garrity statement, you were afforded the opportunity to review your use of force narrative and told ISB investigators that the details were correct. You failed to disclose you also kicked the subject while he was on the ground. Your actions place you in violation of DR 108 Truthfulness which states:

DR 108 TRUTHFULNESS

A member shall not give any information, either oral or written, in connection with any assignment or investigation that is either knowingly incorrect, false, or deceitful.

During your first and second encounter with the subject, you sprayed him up close directly in his eyes, and then kicked him while he was on the ground. You failed to recognize the victim's signs of distress and failed to disclose viable information to the responding emergency personnel to render the proper medical attention. According to body worn camera footage, you knew the subject was pepper sprayed, tased, struck with an ASP baton, and kicked. You and your partners also failed to immediately assist the emergency medical personnel with the request to unhandcuff the subject as his condition changed while left unattended on the ground. Your actions place you in violation of DR 120 Neglect of Duty which states:

DR 120 NEGLECT OF DUTY

A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.

B. A member with supervisory responsibility is required to properly supervise their subordinates in compliance with the above, and the failure of any supervisor to do so through deliberateness, carelessness, neglect, or inefficiency shall be a violation.

You were the first contact officer on the traffic stop at which time you physically forced the driver from the vehicle and deployed your chemical irritant spray directly up close to the subject's eyes. He ran from you and two of your partners and was later apprehended other members of your unit at Castle Gate Lane and Bear Creek Cove within six minutes. As three of your partners were attempting to handcuff him, you ran up and kicked the individual in the upper torso area. In your Garrity statement, your reason was to loosen the subject's arm who appeared to already be held onto by his arms. Your physical force during the second encounter was not reasonable. Your actions place you in violation of DR 301 Excessive Force/Unnecessary Force which states:

DR 301 EXCESSIVE FORCE/UNNECESSARY FORCE

Excessive Force/Unnecessary is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

You failed to activate your body worn camera during the first encounter with the involved citizen on the traffic stop. Your body worn camera was functioning properly and did not record the use of force incident in its entirety. Your actions place you in violation of DR 101 Compliance with Regulations to wit: BWC/ICV which states:

DR 101 COMPLIANCE WITH REGULATIONS

Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department.

Use of BWC During the Shift

- 1. An officer shall at all times during his/her shift have BWC equipment ready to record police interactions with those they may encounter. This state of readiness includes*

having the BWC on and in standby mode. Officers shall attempt to maintain a clear, level, and unobstructed forward-facing view. Officers shall attempt to keep the microphone portion of the device unobstructed in order to accurately record audio.

2. **Officers shall activate their BWC when responding to all calls for service prior to making the scene of a dispatched call.** In the event that recording was not started prior to making the scene of a dispatched call, an officer will activate the device as soon as reasonably possible.
3. Officers shall record all law-enforcement encounters and activities. Calls for service, self-initiated events (specials), and citizen contacts while not engaged in police activity are to be documented via BWC. It is not necessary for an officer to record in a constant state, but is required when his/her duties are being performed and allowed when otherwise prudent. It should be understood that under no circumstance shall an officer's safety be compromised in an effort to record an event.
4. Unless unsafe, impractical, or impossible, officers shall inform subjects that they are being recorded at the beginning of the contact (e.g. "Ma'am/Sir, I am advising you that our interaction is being recorded").
5. It should be understood that even when individuals are in various stages of undress, medically incapacitated, or in a location where video would otherwise be prohibited, BWC recording should continue. Videos will be redacted in a manner to reasonably protect privacy.
6. **Once a recording event begins, the BWC shall remain activated until the event has concluded in order to conserve the integrity of the recording.** Once an event has concluded, an officer will mark the conclusion of the recording verbally after clearing the call/special. In cases of arrest, an officer shall continue recording until custody is transferred.

Exceptions: Should an officer have an activated BWC and respond to a call inside of a location that is out of view of the ICV system, the officer may discontinue the ICV recording (e.g. indoor report calls, crime scenes, and other police related events). Should the call progress back towards the car and contact with another individual is made, the event should be recorded by the ICV system.

7. Officers will document the fact that a BWC video was or was not captured on all incident reports, arrest tickets, misdemeanor citations, summons, and traffic citations. This documentation will be referenced by the Computer Aided Dispatch number written on/in the document. In the event that the BWC was not activated, terminated early, or otherwise interrupted, a supervisor will be immediately notified.

D. OCU Procedures

Members of the Criminal Apprehension Team (CAT) and Gang Response Team (GRT) will utilize the Body Worn Camera (BWC) when performing daily enforcement.

1. The BWC will not be activated for the following:

- The BWC/ICV **will not** be used to knowingly record confidential informants or undercover officers.

- Officers **will not** record any type of tactical briefings, IE Search Warrants, Rips, Reversals, Prostitution Stings, etc.
- Officers **will not** record any aspects of training, unless specifically requested to do so by the OCU Commander.
- The BWC **will not** be used during undercover operations.

2. OCU Personnel Working Non-OCU related details:

Any OCU officer working overtime in a Uniform Patrol Station, Special Event Detail, Blue Crush Detail, or a THSO Detail will be acting as a Uniform Officer and will be governed under the Memphis Police Department's Uniform Patrol Body Worn Camera policy.

*OCU officers will store their BWC cameras inside the MPD approved BWC cabinet that is located within their assigned workstation. Whenever OCU officer(s) choose to work a Non-OCU related detail, it is the officers' responsibility to notify his/her immediate supervisor, **in advance**, in order to pick up his/her assigned BWC. When an officer takes control of his /her BWC for a detail, he/she should ensure the camera is taken to a work station to be docked until the camera is ready to be utilized.*

Officers working in an undercover capacity will not utilize the BWC.

On your personal cell phone, you took two photographs while standing in front of the obviously injured subject after he was handcuffed. In your Garrity statement, you admitted you shared the photo in a text message with five (5) people; one civilian employee, two MPD officers, and one female acquaintance. During the administrative investigation, a sixth person was identified as a recipient of the same photograph. Your actions place you in violation of DR 603 Information Concerning Police Business.

DR 603 INFORMATION CONCERNING POLICE BUSINESS

A member shall not communicate information relating to official police matters without prior approval or subpoena, except to authorized persons. A member shall treat the official business of the Department as confidential.

(The officer's disciplinary resume will be reviewed and become a part of this file)

Written Response Ordered?

☐

Yes

☒

No

Issuing Officer

Charging Officer

Sgt. D. Craig^{alt} 201111-184
Sgt. D. Craig #4164

I acknowledge receipt of this notice and understand that further investigation may result in additional charges, amendment of the above charges, or dismissal of these charges. I further understand that a written response to these charges at this time is at my discretion unless specifically instructed to file same by the issuing officer.

 14780
Signature of Officer:

Was officer relieved of duty?

☒ Yes ☐ No

Reviewed by: ☒ Assistant Chief ☐ Deputy Chief ☐ Work Station Commander

Delegated to: ☒ Deputy Chief

☐ Station/Bureau

D/C Michael Hardy
~~Major/Lt. Colonel/Colonel~~
AC Crowe / D/C Hardy

L7 AC

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

Administrative Summons

**Memphis Police Department VS.
Haley, Demetrius IBM: 14730**

**Date: January 14, 2023
ISB Case #: I2023-001**

I. Allegation

You used excessive force to apprehend a non-violent subject following a traffic stop where the person sustained critical injuries and later expired. Your on-duty conduct was unbecoming, and you neglected your duty to render aid and provide viable details to the emergency medical personnel. You failed to record the event in its entirety on your body worn camera, later shared an unauthorized photo of the injured subject while in police custody, and you provided an untruthful report and oral statement.

Rules, regulations or orders violated.

DR 104 Personal Conduct

DR 108 Truthfulness

DR 120 Neglect of Duty

DR 301 Excessive Force/Unnecessary Force

DR 101 Compliance with Regulations to wit: BWC

DR 603 Information Concerning Police Business

II. Hearing

Date: Friday, January 20, 2023

Place: 2714 Union Ave Ext. Suite 700

Time: 1:00 p.m.

You are entitled to representation during this hearing.

Served by:

Lt. J.K. Morris / IAB / 1866
Name/Rank/Assignment/IBM

Date: 1/16/2023

Time: 9:12 a.m.

Signature of Officer:

[Signature] 14730

YOUR ATTENDANCE AT THE HEARING NOTICED HEREIN IS REQUIRED, UNLESS EXCUSED DUE TO A MEDICAL EMERGENCY. FAILURE TO ATTEND WILL BE CONSTRUED BY THE HEARING OFFICER AS A WAIVER OF YOUR RIGHT TO BE HEARD. ATTENDANCE WILL BE EXCUSED DUE TO A MEDICAL EMERGENCY IN THE SOLE DISCRETION OF THE HEARING OFFICER, AND ONLY IF YOU HAVE

DELIVERED, OR CAUSED TO BE DELIVERED, TO THE HEARING OFFICER, PRIOR TO THE HEARING DATE, A WRITTEN STATEMENT OF MEDICAL CONDITION, PREPARED AND SIGNED BY THE YOUR TREATING PHYSICIAN, DESCRIBING YOUR MEDICAL CONDITION AND ADVISING THAT YOU ARE NOT ABLE TO ATTEND THE HEARING AS A RESULT OF SAID CONDITION.

HEARING SUMMARY FORM

#I2023-001

Hearing:January 20, 2023

Date

1300 hrs

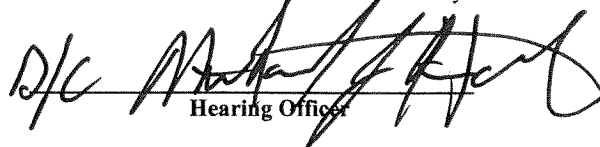
Time

Location: 2714 Union Ave Ext, Suite 700Attended by: PII Demetrius Haley #14730
Lt. Essica Cage-Rosario #1705Hearing Officer: Deputy Chief M. Hardy #3581

Statement of Hearing Officer: On Friday, January 20, 2023, at 1300 hrs., an Administrative Hearing was conducted for Officer Demetrius Haley 14730, resulting from a Statement of Charges issued to Officer Haley by the ISB for violations of DR 104 Personal Conduct, DR 108 Truthfulness, DR 120 Neglect of Duty, DR 301 Excessive Force/Unnecessary Force, DR 101 Compliance with Regulations to wit: BWC and DR 603 Information Concerning Police Business. **Statement of Hearing Officer Continue: (See Page 2)**

Action Ordered:

DR 104 Personal Conducts: SUSTAINED and TERMINATION is ordered.
DR 108 Truthfulness: SUSTAINED and TERMINATION is ordered.
DR 120 Neglect of Duty: SUSTAINED and TERMINATION is ordered.
DR 301 Excessive Force/Unnecessary Force: SUSTAINED and TERMINATION is ordered.
DR 101 Compliance with Regulations to wit: BWC: SUSTAINED and a 40 Day suspension is ordered
DR 603 Information Concerning Police Business: SUSTAINED and a 40 Day is ordered.


Hearing Officer

Any employee holding a position not exempted from the provisions of Article 34 Civil Service, and not in the initial probationary period, who has been suspended in excess of ten, (10) days, terminated, or demoted, may appeal to the Civil Service Commission within ten, (10) calendar days after notification in writing of such action. In the event of multiple suspensions, only that suspension which causes the total number of days suspended to exceed five, (5) days within a six month period, and any subsequent suspension within said period shall be appeal able to the Commission. If the disciplinary action is 10 days or less, the officer may submit to a grievance procedure or an internal appeal, but not to both.

In addition Chapter I Section 5 page 4 states in part: "Commissioned police officers with a status of suspension, probation, non-enforcement, relieved of duty, or leave of absence are not permitted to engage in any Secondary Employment and/or any Off Duty Security Employment where the officer's status is dependant on his/her state commissioned status. No commissioned police officer is permitted to engage in any Secondary Employment and/or Off duty Security Employment for a period of thirty (30) days after the final disposition of (1) any sustained Statement of Charges for violation of the Sick Abuse policy or (2) any sustained Statement of Charges resulting in a suspension and/or reduction in rank" Notification will be made to the Secondary Employment Office regarding this suspension. Violation of the above listed policy could result in additional charges.

Appeal: ☐ Will ☒ Will Not Be FiledGrievance: ☒ Will ☐ Will Not Be Filed

I understand that by requesting the grievance procedure that I am waiving my right to recourse through the Internal or Civil Service Commission Appeal Process.

1/20/2023
Date


Employee Signature

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

Statement of Hearing Officer: #I2023-001 (page 2)

Hearing participants were Officer Demetrius Haley, Lt. Essica Cage-Rosario (MPA) and Deputy Chief M. Hardy (Hearing Officer). Prior to this hearing, Officer Haley had been made aware of the pending charges by being served an Administrative Summons and a copy of the Statement of Charges on January 16, 2023, which he did sign acknowledging receipt and was provided with a copy.

The charges stem from a complaint regarding allegations that on January 7, 2023, you and your partners initiated a traffic stop at E. Raines and Ross Road, where your partner alerted you of a reckless driver who died at the hospital three days later following a use-of-force incident. You exited your unmarked vehicle, stopped in an opposing traffic lane and you force the driver out of his vehicle while using loud profanity and wearing a black sweatshirt hoodie over your head. You never told the driver the purpose of the vehicle stop or that he was under arrest. Audio from a body worn camera did not capture the driver using profanity or displaying any violent threats. You also were on an active cell phone call where the person overheard the police encounter. After the subject was placed in custody at Castle Gate Lane and Bear Creek Cove, you and other officers were captured on body worn camera making multiple unprofessional comments such as such as "that muthafucka made me spray myself", laughing, and bragging about your involvement. Your conversation and lack of concern for the injured subject was witnessed by a civilian who took photographs and cell phone video. The civilian's viewpoint was you and your partners left the injured subject lying on the ground, handcuffed and unattended. The report of the victim's death was broadcasted on both local and national media sites. The release of any digital evidence of you and your partners' actions will shed a bad light on the Department and City of Memphis. Your on-duty conduct was unjustly, blatantly unprofessional and unbecoming for a sworn public servant. Your actions place you in violation of **DR 104 Personal Conduct** which states:

DR 104 PERSONAL CONDUCT

The conduct of each member, both on and off-duty, is expected to be such that it will not reflect adversely on other members, the Department, the City of Memphis, or the law enforcement profession. This regulation applies to both the professional and private conduct of all members. It includes not only all unlawful acts by members but also acts which, although not unlawful in themselves, would violate either the Law Enforcement or Civilian Code of Ethics, and would degrade or bring disrespect upon the member or the Department.

You were required to complete a Response to Resistance form to provide a truthful account of your use of force during your encounter with a suspect. In your incident summary, you wrote that you heard your partner tell the individual, "Let my gun go!" before he was taken to the ground. You were also heard making the same statement on body-worn camera to your partners in the presence of witness officers. However, video evidence did not support your oral or written statement and your information was deemed untruthful. As a result, two of your other partners also reported an incorrect statement. During your Garrity statement, you were afforded the opportunity to review your use of force narrative and told ISB investigators that the details were correct. You failed to disclose you also kicked the subject while he was on the ground. Your actions place you in violations of **DR 108 Truthfulness** which states:

DR 108 TRUTHFULNESS

A member shall not give any information, either oral or written, in connection with any assignment or investigation that is either knowingly incorrect, false, or deceitful.

DM

Statement of Hearing Officer: #I2023-001 (page 3)

During your first and second encounter with the subject, you sprayed him up close directly in his eyes, and then kicked him while he was on the ground. You failed to recognize the victim's signs of distress and failed to disclose viable information to the responding emergency personnel to render proper medical attention. You and your partners also failed to immediately assist the emergency medical personnel with the request to unhandcuff the subject as his condition changed while left unattended on the ground. Your actions place you in violation of **DR 120 Neglect of Duty** which states:

DR 120 NEGLECT OF DUTY

A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty. This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.

B. A member with supervisory responsibility is required to properly supervise their subordinates in compliance with the above, and the failure of any supervisor to do so through deliberateness, carelessness, neglect, or inefficiency shall be a violation.

You were the first contact officer on the traffic stop at which time you physically forced the driver from the vehicle and deployed your chemical irritant spray directly up close to the subject's eyes. He ran from you and two of your partners and was later apprehended at Castle Gate Lane and Bear Creek Cove within six minutes. As three of your partners were attempting to handcuff him, you kicked the individual in the upper torso area. In your Garrity statement, which is included in the ISB File and incorporated herein, your reason was to loosen the subject's arm who appeared to already be held onto by his arms. Your physical force during the second encounter was not reasonable. Your actions place you in violation of **DR 301 Excessive Force/Unnecessary Force** which states:

DR 301 EXCESSIVE FORCE/UNNECESSARY FORCE

Excessive Force/Unnecessary is defined as the amount of force which is beyond the need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances. Officers should consider the facts and circumstances known at the time of the confrontation when determining the amount of force to use, including: the severity of the subject's crimes, the immediate threat posed by the subject to the safety of others, and whether the subject exhibits active aggression or is actively resisting arrest. Officers are permitted to use whatever force that is necessary and reasonable to protect others or themselves from bodily harm.

Officers shall never use force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person.

You failed to activate your body worn camera during the first encounter with the involved citizen on the traffic stop. Your body worn camera was functioning properly and did not record the use of force incident in its entirety. Your actions place you in violation of **DR 101 Compliance with Regulations to wit: BWC** which states:

DR 101 COMPLIANCE WITH REGULATIONS

Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department.

B. Use of BWC During the Shift

- 1. An officer shall at all times during his/her shift have BWC equipment ready to record police interactions with those they may encounter. This state of readiness includes having the BWC on and in standby mode. Officers shall attempt to maintain a clear, level, and unobstructed forward-facing view. Officers shall attempt to keep the microphone portion of the device unobstructed in order to accurately record audio.*
- 2. Officers shall activate their BWC when responding to all calls for service prior to making the scene of a dispatched call. In the event that recording was not started prior to making the scene of a dispatched call, an officer will activate the device as soon as reasonably possible.*
- 3. Officers shall record all law-enforcement encounters and activities. Calls for service, self-initiated events (specials), and citizen contacts while not engaged in police activity are to be documented via BWC. It is not necessary for an officer to record in a constant state, but is required when his/her duties are being performed and allowed when otherwise prudent. It should be understood that under no circumstance shall an officer's safety be compromised in an effort to record an event.*
- 4. Unless unsafe, impractical, or impossible, officers shall inform subjects that they are being recorded at the beginning of the contact (e.g., "Ma'am/Sir, I am advising you that our interaction is being recorded").*
- 5. It should be understood that even when individuals are in various stages of undress, medically incapacitated, or in a location where video would otherwise be prohibited, BWC recording should continue. Videos will be redacted in a manner to reasonably protect privacy.*
- 6. Once a recording event begins, the BWC shall remain activated until the event has concluded in order to conserve the integrity of the recording. Once an event has concluded, an officer will mark the conclusion of the recording verbally after clearing the call/special. In cases of arrest, an officer shall continue recording until custody is transferred.*

Exceptions: *Should an officer have an activated BWC and respond to a call inside of a location that is out of view of the ICV system, the officer may discontinue the ICV recording (e.g. indoor report calls, crime scenes, and other police related events). Should the call progress back towards the car and contact with another individual is made, the event should be recorded by the ICV system.*

7. *Officers will document the fact that a BWC video was or was not captured on all incident reports, arrest tickets, misdemeanor citations, summons, and traffic citations. This documentation will be referenced by the Computer Aided Dispatch number written on/in the document. In the event that the BWC was not activated, terminated early, or otherwise interrupted, a supervisor will be immediately notified.*

D. OCU Procedures

Members of the Criminal Apprehension Team (CAT) and Gang Response Team (GRT) will utilize the Body Worn Camera (BWC) when performing daily enforcement.

1. *The BWC will not be activated for the following:*

- *The BWC/ICV **will not** be used to knowingly record confidential informants or undercover officers.*
- *Officers **will not** record any type of tactical briefings, IE Search Warrants, Rips, Reversals, Prostitution Stings, etc.*
- *Officers **will not** record any aspects of training, unless specifically requested to do so by the OCU Commander.*
- *The BWC **will not** be used during undercover operations.*

2. *OCU Personnel Working Non-OCU related details:*

Any OCU officer working overtime in a Uniform Patrol Station, Special Event Detail, Blue Crush Detail, or a THSO Detail will be acting as a Uniform Officer and will be governed under the Memphis Police Department's Uniform Patrol Body Worn Camera policy.

*OCU officers will store their BWC cameras inside the MPD approved BWC cabinet that is located within their assigned workstation. Whenever OCU officer(s) choose to work a Non-OCU related detail, it is the officers' responsibility to notify his/her immediate supervisor, **in advance**, in order to pick up his/her assigned BWC. When an officer takes control of his /her BWC for a detail, he/she should ensure the camera is taken to a work station to be docked until the camera is ready to be utilized.*

Officers working in an undercover capacity will not utilize the BWC.

Statement of Hearing Officer: #I2023-001 (page 6)

On your personal cell phone, you took two photographs while standing in front of the obviously injured subject after he was handcuffed. In your Garrity statement, you admitted you shared the photo in a text message with five (5) people; one civilian employee, two MPD officers, and one female acquaintance. During the administrative investigation, a sixth person was identified as a recipient of the same photograph. Your actions place you in violation of **DR 603 Information Concerning Police Business** which states:

DR 603 INFORMATION CONCERNING POLICE BUSINESS *A member shall not communicate information relating to official police matters without prior approval or subpoena, except to authorized persons. A member shall treat the official business of the Department as confidential.*

At the beginning of the Administration Hearing, Lt. Cage-Rosario informed the Hearing Officer that Officer Haley would like to waive his rights to have each charge read in detail.

During the Administrative Hearing on January 20, 2023, **Officer Demetrius Haley** was informed by the Hearing Officer that he is now afforded the opportunity to make a statement. Officer Haley responded, "No Sir", indicating that he did not wish to make a statement. Hearing Officer asked Officer Haley did he give TBI a statement? Officer Haley responded, "No Sir". Hearing Officer asked Officer Haley did he give TBI a written statement. Officer Haley responded, "No Sir".

Lt. Cage-Rosario (MPA Representative) was asked if she would like to make a statement. Lt. Cage-Rosario read a written statement which will be included in the Administrative File, "To Whom it May Concern, The Memphis Police Association (MPA) objects to the Memphis Police Department's decision to proceed with the administrative hearing for Officer ~~Edward Martin~~ ^{Demetrius Haley} prior to the conclusion of the Administrative investigation and/or TBI's investigation. Per Article 14 (MOU Between the MPA and the COM), 'A reasonable amount of time to review the statement of charges **(including all proof to be relied upon by the hearing officer)** is to be given to the representative prior to the administrative hearing. Upon review, several pieces of proof were either omitted from the file, or incomplete at this time. Body worn camera video, which was referenced multiple times in the statement of charges, was NOT provided to the MPA representative, nor were statements from other principal and witness officers. These are only a few examples of the GROSS violations of this officers' right to due process. Not only is this a right under the MOU, but it is a right guaranteed by federal law. See *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985) where the Court provided that a public employee with a property right to his or her employment must be provided notice of charges against them and a hearing to provide them with an opportunity to defend themselves against the charges against them. Additionally, that hearing must be a meaningful one. See *Wagner v. City of Memphis*, 971 F. Supp 308 (W.D. Tenn 1997). In *Wagner*, Mayor Herenton predetermined the outcome of the hearing and the court said there was no due process.

This will serve as the MPA's statement for this administrative hearing.

Hearing Officer convened the hearing on 01/20/2023 at 1315 hrs, without rendering a decision. Hearing reconvened on 01/20/2023 at 1750 hrs. In attendance were Officer Demetrius Haley, Lt. Essica Cage-Rosario (MPA) and Deputy Chief M. Hardy (Hearing Officer).

In conclusion, the Hearing Officer carefully reviewed all documents related to each alleged violations of the listed DRs by Officer Haley, including the Garrity statements of all the charged officers and the Response to Resistance forms. The Garrity statements made by you and the other charged officers are not consistent with each other and are not consistent with the publicly known injuries and death of Mr. Nichols. Hearing Officer additionally considered the statement made by Lt. Cage-Rosario.

Upon review of the evidence as it relates to **DR104 Personal Conduct**, which states in part: **The conduct of each member, both on and off-duty, is expected to be such that it will not reflect adversely on other members, the Department, the City of Memphis, or the law enforcement profession.** This regulation applies to both the professional and private conduct of all members. It includes not only all unlawful acts by members but also acts which, although not unlawful in themselves, would violate either the Law Enforcement or Civilian Code of Ethics, and would degrade or bring disrespect upon the member or the Department.

The Hearing Officer finds that Officer Demetrius Haley did violate DR 104 Personal Conduct, therefore the charge is SUSTAINED and a TERMINATION is ordered.

Upon review of the evidence as it relates to **DR108 Truthfulness**, which states in part: **A member shall not give any information, either oral or written, in connection with any assignment or investigation that is either knowingly incorrect, false, or deceitful.**

The Hearing Officer finds that Officer Demetrius Haley did violate DR108 TRUTHFULNESS, therefore the charge is SUSTAINED and a TERNMINATION is ordered.

Upon review of the evidence as it relates to **DR 120 Neglect of Duty**, which states in part: **A. Each member, because of his or her rank and assignment, is required to perform certain duties and assume certain responsibilities. Failure to properly function in these areas constitutes neglect of duty.** This regulation prohibits any omission or failure to act by any member of the Department, whether on-duty or off-duty, when such action is required by the stated policy, goals, rules, regulations, orders, and directives of this Department. It applies to any member who, through carelessness, inefficiency, or design, fails to implement the policy, goals, rules, regulations, orders, training, and directives of this Department.

The Hearing Officer finds that Officer Demetrius Haley did violate DR 120 NEGLECT OF DUTY, therefore the charge is SUSTAINED and TERMINATION is ordered.

Upon review of the evidence as it relates to **DR 301 Excessive Force/Unnecessary Force**, which states in part: **Excessive Force/Unnecessary** is defined as the amount of force which is beyond the

need and circumstances of the particular event, or which is not justified in the light of all circumstances, as is the case of deadly force to protect property as contrasted with protecting life.

The Hearing Officer finds that Officer Demetrius Haley did violate DR 301 EXCESSIVE FORCE/UNNECESSARY FORCE, therefore the charge is SUSTAINED and TERMINATION is ordered.

Upon review of the evidence as it relates to **DR 101 Compliance with Regulations**, which states in part: *Disciplinary action may be taken for, but not limited to, violations of the stated policy, rules, regulations, orders, or directives of the Department.*

B. Use of BWC During the Shift

1. An officer shall at all times during his/her shift have BWC equipment ready to record police interactions with those they may encounter. This state of readiness includes having the BWC on and in standby mode. Officers shall attempt to maintain a clear, level, and unobstructed forward-facing view. Officers shall attempt to keep the microphone portion of the device unobstructed in order to accurately record audio.

The Hearing Officer finds that Officer Demetrius Haley did violate DR 101 COMPLIANCE WITH REGULATIONS TO WIT: BWC, therefore the charge is SUSTAINED and a 40 Day suspension is ordered.

Upon review of the evidence as it relates to **DR 603 Information Concerning Police Business**, which states in part: *A member shall not communicate information relating to official police matters without prior approval or subpoena, except to authorized persons. A member shall treat the official business of the Department as confidential.*

The Hearing Officer finds that Officer Demetrius Haley did violate DR 603 INFORMATION CONCERNING POLICE BUSINESS, therefore the charge is SUSTAINED and a TERMINATION is ordered.

DR 104 Personal Conducts: SUSTAINED and TERMINATION is ordered.

DR 108 Truthfulness: SUSTAINED and TERMINATION is ordered.

DR 120 Neglect of Duty: SUSTAINED and a TERMINATION is ordered.

DR 301 Excessive Force/Unnecessary Force: SUSTAINED and TERMINATION is ordered.

DR 101 Compliance with Regulations to wit: BWC: SUSTAINED and a 40 Day suspension is ordered.

DR 603 Information Concerning Police Business: SUSTAINED and a 40 Day suspension is ordered.

*Memphis Police
Association*



Essica Cage-Rosario, President

Matt Cunningham, Vice President

Jeremy White, Secretary/Treasurer

John Covington, Chief Steward

Shannon Bowen, Sergeant at Arms

January 20, 2023

To Whom It May Concern:

The Memphis Police Association (MPA) objects to the Memphis Police Department's decision to proceed with the administrative hearing for Officer **Demetrius Haley** prior to the conclusion of the Administrative investigation and/or TBI's investigation.

Per Article 14 (MOU Between the MPA and the COM) " A reasonable amount of time to review the statement of charges (**including all proof to be relied upon by the hearing officer**) is to be given to the representative prior to the administrative hearing". Upon review, several pieces of proof were either omitted from the file, or incomplete at this time. Body worn camera video, which was referenced multiple times in the statement of charges, was NOT provided to the MPA representative, nor were statements from other principal and witness officers. These are only a few examples of the GROSS violations of this officers' right to due process.

Not only is this a right under the MOU, but it is a right guaranteed by federal law. See *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985) where the Court provided that a public employee with a property right to his or her employment must be provided notice of charges against them and a hearing to provide them with an opportunity to defend themselves against the charges against them. Additionally, that hearing must be a meaningful one. See *Wagner v. City of Memphis*, 971 F. Supp 308 (W.D. Tenn 1997).

In *Wagner*, Mayor Herenton predetermined the outcome of the hearing and the court said there was no due process.

This will serve as the MPA's statement for this administrative hearing.

LT Essica Cage-Rosario
President
Memphis Police Association
638 Jefferson Ave.
Memphis, TN 38105



MEMPHIS POLICE DEPARTMENT MEMORANDUM



To: Assistant Chief Don Crowe Subject: Hearing Status

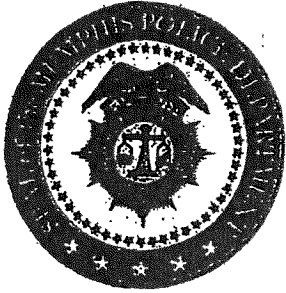
From: Deputy Chief Hardy Date: 01/20/2023

Assistant Chief Crowe,

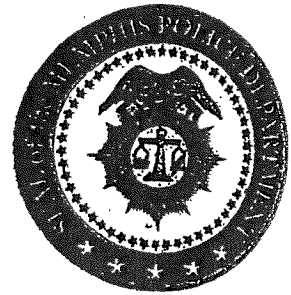
On January 20, 2023 at 1750 hrs, the Administrative hearing for Officer Demetrius Haley #14730 was held. Deputy Chief Hardy #3581 was the Hearing Officer. **The charges for DR 104 Personal Conduct, DR 108 Truthfulness, DR 120 Neglect of Duty, DR 301 Excessive Force/Unnecessary Force, and DR 603 Information Concerning Police Business were SUSTAINED and TERMINATION was ordered for all.**

The charge for DR 101 Compliance with Regulations to wit: BWC was SUSTAINED and a 40 Day suspension is ordered.

[illegible]



MEMPHIS POLICE DEPARTMENT
DEPUTY DIRECTOR'S OFFICE



RECEIPT OF SOC'S

NAME/IBM #

Hailey, Demetrius - #14730

SOC #

IAB FILE #
(if applicable)

I 2023-001 (B)

SECURITY SQUAD FILE #
(if applicable)

Aquino Washington
A/C's Office (received)

1/25/2023
Date

Deputy Chief's Office

Date

Aquino Washington
A/C's Office (after hearing)

1/25/2023
Date

Carlton Osborn
MPD Human Resources

1-25-2023
Date

IAB/Security Squad

Date

PDR