

**IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE**

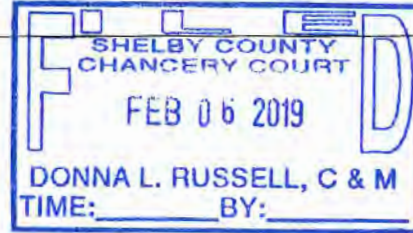
THE MARSHALL PROJECT  
and WENDI THOMAS,

Petitioners,

v.

MEMPHIS SHELBY CRIME  
COMMISSION

Respondent.



No. \_\_\_\_\_

**VERIFIED PETITION FOR ACCESS TO PUBLIC RECORDS AND  
TO OBTAIN JUDICIAL REVIEW OF DENIAL OF ACCESS**

**TO THE HONORABLE CHANCELLORS OF THE  
CHANCERY COURT FOR THE THIRTIETH JUDICIAL DISTRICT:**

Pursuant to the Tennessee Public Records Act, Tenn. Code Ann. §§ 10-7-503 and 10-7-505 (“the Act” or “PRA”), Petitioners The Marshall Project and Wendi Thomas (“Ms. Thomas”) (collectively, “Petitioners”) petition this Court for access to certain public records and to obtain judicial review of the actions of Respondent Memphis Shelby Crime Commission (“MSCC”) in denying Petitioners access to those records and state as follows:

**INTRODUCTION**

1. Public safety is among the highest priorities of any government. In providing safety for its citizens, government officials and agencies evaluate the needs of the public, develop and implement policies, balance the availability of funds for public safety against other priorities, hire and pay employees, and purchase and pay for equipment. For as long as state, county, and municipal government has existed in Tennessee, these have all been government functions.

2. In carrying out such actions, governments are, and should be, fully accountable to the public. Tennessee law provides tools to ensure the accountability of government officials and agencies, primary among them is the right to public records.

3. This petition concerns the public's right to government records held by the Memphis Shelby Crime Commission, a nonprofit corporation that describes itself as the "ONLY entity in the Memphis community responsible for spearheading development and implementation of a community-wide plan to reduce crime[.]"

4. Not only is the MSCC responsible for developing and implementing a broad-ranging plan to reduce crime in Memphis, it also raises and provides funds to the City of Memphis. Among other things, the MSCC has provided the City of Memphis with a four-year approximately \$6.1 million "grant" to pay its law enforcement officers—funds the MSCC and its representatives have stated come from donations to the MSCC.

5. Notwithstanding the quintessentially government functions it performs in Memphis, the MSCC maintains that it is not subject to the Tennessee Public Records Act and that any records it has are not public records. It has refused requests under that law by Petitioners—an award-winning news organization and journalist—who have been diligently seeking records to inform the public about law enforcement and criminal justice in Memphis.

6. Having been rebuffed by the MSCC, in violation of the Tennessee Public Records Act, Petitioners bring this action to vindicate their and the public's right of access to public records.

## **FACTS**

### Parties

7. The Marshall Project is an award-winning nonprofit online news organization that reports on and fosters public awareness about the criminal justice system in the United States through non-partisan journalism. Launched in 2014, it has been honored with a Pulitzer Prize for Explanatory Reporting in 2016, a 2016 Peabody award, a National Magazine Award for general excellence in Literature, Science, and Politics in 2017, an Edward R. Murrow Award for Overall Excellence in small digital news organizations in 2018, and an Online Journalism Award for General Excellence in Online Journalism in small newsrooms in 2018.

8. Wendi Thomas is an award-winning independent journalist based in Memphis and the editor and publisher of MLK50: Justice Through Journalism, an online nonprofit reporting project focusing on economic justice in Memphis. Ms. Thomas has previously worked as a reporter or editor at the Indianapolis Star, The Tennessean, and the Charlotte Observer, and as a columnist for The Commercial Appeal. She is a resident of Memphis, Tennessee, and is a Tennessee citizen.

9. Respondent Memphis Shelby Crime Commission is a nonprofit corporation organized under the laws of the State of Tennessee. It is located at 600 Jefferson Ave., Ste. 400, Memphis, TN 38105-4900. The MSCC may be served with process by serving its Registered Agent: William Gibbons, 600 Jefferson Ave., Ste. 400, Memphis, TN 38105.

#### Jurisdiction and Venue

10. This Court has subject matter jurisdiction of this petition and venue is proper in this Court under Tenn. Code Ann. § 10-7-505(b).

#### The City of Memphis and University of Memphis

11. The City of Memphis (the “City”), like all municipal governments, makes a variety of decisions that affect its residents. Among other things, it gathers revenue, hires and

pays employees, makes and adopts policies, and chooses which goods and services to purchase and provide.

12. The records of the City and its sub-components, including the Memphis Police Department, are subject to the PRA.

13. The City assesses taxes at rates set by the City Council.

14. The City also accepts donations, including hardware and monetary donations, for equipment and activities related to government functions in general, and law enforcement functions in particular.

15. For example, on or about September 6, 2016, the City Council adopted resolutions accepting donations of specialized cameras “compatible with existing [Memphis Police Department] equipment,” totaling \$32,850.00, and \$7,336.37 from the Memphis/Shelby County Law Enforcement Foundation.

16. The City of Memphis has also previously accepted monetary donations directly from private entities to the Memphis Police Department. For example, on or about March 7, 2017, the City Council adopted a resolution accepting “a donation, in the amount of \$25,000.00, from Beale Street Merchants Association, as awarded to the City of Memphis Police Department North Main Station, EDU Unit, to support operational activities.”

17. The mission of the Memphis Police Department, according to its website, is to “create and maintain public safety in the City of Memphis.”

18. The University of Memphis (the “University”) is a public university located in Memphis, Tennessee.

19. The University, like other public colleges and universities, raises revenue, hires employees, makes and adopts policies, and chooses how to apportion its resources.



20. The University's records are subject to the PRA.

The Memphis Shelby Crime Commission

21. The MSCC was incorporated in 1997.
22. Upon information and belief, in the years following its incorporation, the MSCC has received money from the City.
23. The MSCC has entered into contracts with the City to perform work.
24. Upon information and belief, the MSCC has received more than \$1,000,000 from the City since 1997.
25. The MSCC accepts monetary donations.
26. The MSCC's website states that donations "enable us to provide the vital resources and staffing needed to oversee the continued implementation of Operation: Safe Community to make Memphis and Shelby County safer."
27. Upon information and belief, individuals and entities have donated money, funds, and/or other benefits or things of value to the MSCC since its inception.
28. Under the MSCC's charter of incorporation, in the event of its dissolution its residual assets shall be distributed to either a nonprofit or to the City and Shelby County. Such assets would include any books, records, or stored electronic data or communications of the MSCC.
29. According to the original bylaws of the MSCC, 40% of its directors "shall be from the public sector."
30. Furthermore, according to the MSCC's original bylaws, four of the public sector directors "shall be ex-officio: The Mayor of the City of Memphis, the Mayor of Shelby County, the Chairperson of the Memphis City Council's Public Safety Committee and the Chairperson of

the Shelby County Board of Commissioners' Law Enforcement, Fire, Corrections and Court Committee."

31. Upon information and belief, under the bylaws of the MSCC certain actions require approval of 2/3 of its directors.

32. The current president and CEO of the MSCC is William Gibbons ("Mr. Gibbons").

33. Mr. Gibbons is a full-time employee of the University of Memphis and the Executive Director of the Public Safety Institute at the University of Memphis (the "Institute").

34. The current Vice President for Communications and Development of the MSCC is Linda Russell ("Ms. Russell").

35. Upon information and belief, Ms. Russell is an employee of the University of Memphis and the Executive Assistant to the Executive Director of the Institute.

36. According to the MSCC's 2017 Annual Report, its board of directors includes, *inter alia*:

- a. Commissioner Mark Billingsley (Shelby County Government)
- b. Mr. Stephen Bush (Shelby County Government)
- c. T.B.I. Director Mark Gwyn (Tennessee State Government)
- d. Superintendent Dorsey Hopson, II (Shelby County Schools)
- e. Mayor Mark Luttrell (Shelby County Government)
- f. Mayor Keith McDonald (City of Bartlett Government)
- g. Mr. Doug McGowen (City of Memphis Government)
- h. Councilman Worth Morgan (City of Memphis Government)
- i. Sheriff Bill Oldham (Shelby County Government)
- j. Mayor Mike Palazzolo (City of Germantown Government)
- k. TDOC Commissioner Tony Parker (Tennessee State Government)
- l. MPD Director Michael Rallings City of Memphis Government)
- m. Mayor Jim Strickland (City of Memphis Government)
- n. Dr. K. B. Turner (University of Memphis)
- o. District Attorney Amy Weirich (Tennessee State Government)

Each of these persons is a public employee or official. A true and correct copy of MSCC's 2017 Annual Report ("2017 Annual Report") is attached as **Exhibit A**.

37. According to the MSCC's 2017 annual report, at least 24 of its 50 directors are public sector or government employees.

38. Upon information and belief, the number of Tennessee state or local public sector employees who are also current directors of the MSCC is greater than 1/3 of the total number of current directors of the MSCC.

39. The 2017 Annual Report states that the "[t]he non-profit design of the [MSCC] provides much more flexibility in strategic thinking . . . sheltered to a large extent from the periodic changes in political administrations." Ex. A.

40. The MSCC and its employees have been and are currently devoted to developing and implementing the third iteration of "Operation: Safe Community," known as "Operation: Safe Community 3" ("OSC-3").

41. OSC-3 is a five-year plan "approved by the board of the Directors of the [MSCC] . . . designed to make the Memphis community one of the safest of its size in the nation[.]" according to its planning document, a true and correct copy of which is attached as **Exhibit B**.

42. According to its 2017 Annual Report, the MSCC is "the ONLY entity in the Memphis community responsible for spearheading development and implementation of a community-wide plan to reduce crime[]" (emphasis in original). Ex. A.

43. According to an October 29, 2018, report posted on the MSCC website, the MSCC "'quarterbacks' the work of the Operation: Safe Community (OSC) plan and its partners."

44. “Objective B1” of the OSC-3 Plan is to “Clarify and resolve shortages in law enforcement staffing.” Ex. B.

45. Under “Objective B1” the OSC-3 Plan states: “The Memphis Police Department and the City of Memphis will prioritize resources and initiate innovative new recruiting and staffing strategies . . . .” Ex. B.

46. On or about May 3, 2016, the University and the MSCC entered into a “Memorandum of Agreement” concerning, *inter alia*, the establishment of a “Public Safety Institute” (the “Institute”) at the University. A true and correct copy of that memorandum (the “MSCC-University Memorandum”) is attached as **Exhibit C**.

47. According to the MSCC-University Memorandum, the executive director of the Institute

will be a full-time employee and Senior Fellow of the UofM, reporting to the Dean of the College of Arts and Sciences, with a dotted line relationship to the Dean of the School of Law. The [Institute] Executive Director will be hired with a 50% executive on loan assignment as President & CEO of the MSCC and will report to the Chair of the MSCC Board of Directors for this set of responsibilities.

Ex. C.

48. Furthermore, according to the MSCC-University Memorandum, “[a]nnual funding for the [Institute] will be provided by the [MSCC] and will be paid in equal quarterly installments . . . .” Ex. C.

49. Pursuant to the MSCC-University Memorandum, funds from the MSCC to the University for the first year of the Institute:

will include \$200,000 in salary plus 36.4% benefits (\$72,800) for the [Institute] Executive Director; \$95,000 in salary plus 36.4% (\$34,580) benefits for the Director of [the Institute] Administration and Operations, and \$100,000 to support research related to the [University-MSCC] research-practice partnership agenda developed by the [Institute]. Funding for years 2 and 3 will maintain the \$100,000/year commitment for research support and will provide for increased



funds necessary to cover expenses associated with any state mandated across-the-board salary and/or benefits increases for University Employees for the [Institute] Executive Director and Director of [the Institute] Administration and Operations.

Ex. C.

50. Upon information and belief, the City and the MSCC have entered into at least one memorandum of understanding for the City and/or its components to share crime data with the MSCC.

51. Upon information and belief, the MSCC and the Institute have access to and process law enforcement data on incidents in Memphis and Shelby County, including data from the Tennessee Bureau of Investigation, that is not provided to the public. The MSCC and the Institute publish reports on crime and trends in Memphis and Shelby County based on access to that data.

52. The Memphis Police Department also analyzes data on crime in Memphis and prepares reports based on that data.

53. The Tennessee Bureau of Investigation also analyzes data on crime in Tennessee and prepares reports based on that data.

#### The MSCC Funding Agreement

54. In or around February or March of 2017, the City and the MSCC entered into an agreement whereby “[i]n order to resolve existing critical shortages in law enforcement staffing at MPD, and consistent with Operation Safe Community Three (‘OSC 3’) objective B1,” the MSCC agreed to provide the city with “a total of Six Million, One Hundred Thousand Dollars (\$6,100,000.00) over a four-year period, to be disbursed to MPD” in installments. A true and correct copy of that agreement (the “MSCC Funding Agreement”) is attached as **Exhibit D**.

55. MSCC Funding Agreement requires the City Division of Human Resources to “partner with the MPD to develop and deploy recruitment strategies that will better meet the immediate recruitment needs for police officers and will develop data-driven, targeted retention strategies to retain qualified officers. These strategies include: funding for third-party vendors to support best practice recruitment processes; enhanced referral bonuses; funding for targeted retention bonuses to be paid in exchange for a commitment of service as determined by data; and funding for force multiplier programs that enhance police effectiveness.” Ex. D.

56. The MSCC Funding Agreement provides “benchmarks” against which “The City’s progress” will be measured, which include graduating certain numbers of police recruits, public safety dispatchers, and police services technicians for 2017–2020, and to “reduce attrition” to fewer than certain specified numbers. Ex. D.

57. The MSCC Funding Agreement requires the City Division of Human Resources to “submit quarterly, written progress reports to the President of the MSCC.” Ex. D. Those reports “shall include current MPD complement for Police and Public Safety Dispatchers; MPD retention trends and statistics, and cumulative progress on recruiting leads, prospects, and recruits for police officers and dispatchers.” *Id.*

58. Upon information and belief, City of Memphis Mayor Jim Strickland has had discussions with members of the public and representatives of private corporations about providing funds to the MSCC that would be used to fund the MSCC Funding Agreement.

59. Upon information and belief, Mayor Strickland has encouraged members of the public and private corporations to provide funds to the MSCC that would be used to fund the MSCC Funding Agreement.

60. On or about March 7, 2018, the City Council adopted a resolution accepting approximately \$6.1 million from the MSCC pursuant to the MSCC Funding Agreement.

61. On or about October 25, 2018, the MSCC issued a press release identifying a number of entities that have donated to the MSCC for the purpose of providing funding used to fund the MSCC Funding Agreement. A true and correct copy of that press release and attached report is attached as **Exhibit E**.

62. The October 25, 2018, press release states, *inter alia*, that “private sector entities stepped forward in 2017 and committed \$6.1 million in private funds to the [MSCC] to help the city recruit and retain more MPD officers.” Ex. E.

63. The October 25, 2018, press release further states:

The following private sector entities are contributing to the MPD recruitment and retention effort:

<i>American Residential Services</i>	<i>The Hyde Family Foundation</i>
<i>AutoZone</i>	<i>International Paper</i>
<i>Baker, Donelson, Bearman, Caldwell &amp; Berkowitz</i>	<i>Memphis Tomorrow</i>
<i>Baptist Memorial Healthcare Corp.</i>	<i>Methodist LeBonheur Healthcare</i>
<i>Dobbs Management Service</i>	<i>Mid-America Apartments</i>
<i>FedEx</i>	<i>Monogram Food Solutions, LLC</i>
<i>First Horizon National Corporation/First TN Bank</i>	<i>Southeastern Asset Management</i>
	<i>SunTrust Bank</i>

Ex. E.

64. Ms. Russell has been quoted as stating to The Memphis Daily News that the money for the \$6.1 million “grant” from the MSCC to the City of Memphis came from “various individuals and entities in the community . . . . They contribute those funds to the [MSCC] and then the [MSCC] will send the money to the city for the MPD.”

65. The identity of all individuals or entities who have provided funds or other benefits to the MSCC, along with the value of each contribution, is not publicly known.

66. The amount contributed to the MSCC for the benefit of the City of Memphis by each of the entities identified by the MSCC in its press release has not been released by the MSCC and is unknown.

Previous Efforts by Petitioners to Gather Records

67. In the course of reporting on criminal justice and law enforcement in and around Memphis, The Marshall Project and one of its reporters, Simone Weichselbaum, along with Ms. Thomas, have made numerous attempts to obtain records and documents about how the City, the University, the Institute, the MSCC, and related entities and individuals operate, work together, create and implement policies, and gather and expend revenue.

68. On or about April 11, 2018, Ms. Thomas sent a PRA request to the City seeking a variety of records related to communications with and work done by Raymond “Ray” Kelly, the former Commissioner of the New York Police Department, between specified dates in 2016 and 2017.

69. The Public Records Office for the City responded to the April 11, 2018, request by email on or about April 25, 2018, stating: “The City has reviewed its files and has determined there are no existing responsive records to your request. Please contact Memphis Shelby Crime Commission regarding the record requested.”

70. On or about May 1, 2018, Ms. Weichselbaum called the MSCC and spoke with Mr. Gibbons. Ms. Weichselbaum sent Mr. Gibbons a copy of the City’s response to the April 11, 2018, request, and was told that Mr. Gibbons would talk to the City about the request.

71. On or about June 26, 2018, Mr. Gibbons sent an email to then-counsel for The Marshall Project stating, *inter alia*: “Our documents are not public records. However, I will bring [T]he Marshall Project’s request to the attention of the Crime Commission executive



committee at its next meeting for it to consider whether it would like to furnish any of the requested documents.”

72. On or about July 13, 2018, Mr. Gibbons sent an email to then-counsel for The Marshall Project stating, *inter alia*, “The Memphis Shelby Crime Commission Executive Committee has met and unanimously feels any documents in the Crime Commission’s possession are not public records.”

73. On or about May 2, 2018, Ms. Thomas sent a PRA request to the University for a copy of “the report issued by former NYPD Commissioner Raymond (Ray) Kelly, a consultant with K2 Communications, which details recommendations about policing in Memphis.”

74. On or about May 10, 2018, Ingrid Powell, the Legal Affairs Coordinator at the University, responded via email to the May 2, 2018, request, stating “We do not have any documents responsive to your request.”

#### Petitioners’ PRA Request to the MSCC

75. On or about November 6, 2018, Ms. Thomas sent a request under the PRA on behalf of both herself and The Marshall Project, via email, to the MSCC through Mr. Gibbons, Brona Pinnolis, and Linda Russell (the “Request”). A true and correct copy of the Request is attached as **Exhibit F**, and is incorporated by reference.

76. In the Request, Ms. Thomas and The Marshall Project requested access to and copies of the following records:

- The three most recent Schedule B (Form 990 tax filing) documents, and all schedules and exhibits thereto, for the MSCC;
- All analyses, reports, memoranda, or similar works prepared by K2 Intelligence and/or former NYPD Police Commissioner Raymond (Ray) Kelly, including but not limited to the K2 Intelligence report coauthored by Mr. Kelly containing suggested reforms for the Memphis Police Department;
- All contracts between the MSCC or any of its employees and K2 Intelligence or Raymond Kelly, between July 1, 2016 and December 31, 2017;

- All records that identify any corporation, natural person, or other entity that has donated to the MSCC and the amount donated, including but not limited to emails, memos, communications, contracts, financial agreements, checks, money orders, and proofs of payment. This includes, but is not limited to, records identifying the donation amounts of:
  - a. American Residential Services
  - b. AutoZone
  - c. Baker Donelson
  - d. Baptist Memorial Healthcare Corp.
  - e. Dobbs Management Service
  - f. FedEx
  - g. First Horizon National Corp
  - h. Hyde Family Foundation
  - i. International Paper
  - j. Memphis Tomorrow
  - k. Methodist LeBonheur Healthcare
  - l. MAA
  - m. Monogram Food Solutions
  - n. Southeastern Asset Management
  - o. SunTrust Bank;
- All emails, memos, or other forms of communication between any member of the MSCC Staff<sup>[1]</sup> or Board<sup>[2]</sup> and any employee of the City of Memphis, between January 1, 2016 and November 2, 2018, that reference or concern grants or transfers of money from the MSCC to the City of Memphis or any of its components (e.g., the Memphis Police Department);
- All emails, memos, or other forms of communication between any member of the MSCC Staff or Board and Blair Taylor, President of Memphis Tomorrow, between January 1, 2016 and November 2, 2018, that reference or concern grants or transfers of money from the MSCC to the City of Memphis or any of its components;
- All emails, memos, or other forms of communication between any member of the MSCC Staff or Board and Mark Norris, in his capacity as state Senate Majority Leader, between January 1, 2011 and October 15, 2018, that reference or concern any proposed or potential state legislation;
- All emails, memos, or other forms of communication between any members of the MSCC Staff, or between any member of the Staff and any member of the MSCC Board, between March 1, 2014 and November 2, 2018, that reference or concern the Citizens Law Enforcement Review Board (CLERB);
- All emails, memos, or other forms of communication between any member of the MSCC Staff or Board and any employee of the following entities, between January 1, 2016 and November 2, 2018:
  - FedEx
  - Including but not limited to Terry Harris (harris@fedex.com)

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<sup>1</sup> The Request defined “Staff” by reference to a list of the MSCC’s staff available on its website.

<sup>2</sup> The Request defined “Board” by reference to a list of the MSCC’s Board of Directors available on its website.

- AutoZone  
Including but not limited to Jerry Blum (jerry.blum@autozone.com) and Lisa Kranc (Lisa.Kranc@autozone.com)
- International Paper
- SunTrust Bank  
Including but not limited to Johnny B. Moore (johnny.moore@suntrust.com)
- First Tennessee Bank
- Plough Foundation  
Including but not limited to Rick Masson (masson@plough.org)
- Mid-America Apartment Communities, Inc.
- Memphis Light, Gas and Water Division (MLGW)
- American Residential Services
- Central Defense Security
- Baker Donelson
- The University of Memphis  
Including but not limited to David M. Rudd (drudd@memphis.edu)
- Pyramid Peak Foundation  
Including but not limited to Jim Boyd (jboyd@pyramidpeakfdn.org)
- All emails, memos, or other forms of communication between any member of the MSCC Staff or Board and any of the following individuals, between January 1, 2014 and November 2, 2018:
  - a. Stuart Frisch, in his role with the Memphis Police Department and the Secure Community Network
  - b. Toney Armstrong, in his role as police director
  - c. Mason Hawkins, both in his role with Southeastern Asset Management and the Pyramid Peak Foundation.
  - d. Phil Trenary, then executive director of the chamber of commerce (ptrenary@memphischamber.com).

Ex. F.

77. The Request asked for all responsive records to be provided in electronic format, that if the Request was denied in whole or part for such denials to be justified by reference to a specific exemption, and for a response within seven days, as required by the PRA. Ex. F.

Respondent's Refusal to Respond to the Request

78. Respondent did not provide any response to the Request within seven business days of its transmittal.

79. On or about November 28, 2018, Petitioners' counsel sent a letter to Mr. Gibbons, Ms. Pinnolis, and Ms. Russell via email and overnight delivery. A true and correct copy of that letter is attached as **Exhibit G**.

80. The November 28, 2018, letter stated, *inter alia*, that 14 business days had elapsed since the Request was submitted, that the records requested by The Marshall Project and Ms. Thomas are subject to the PRA, and that MSCC's silence was a clear violation of the PRA.

81. The November 28, 2018, letter further stated that Petitioners, preferring "to resolve this matter informally," requested that the MSCC promptly comply with its obligations under the PRA, and provide all non-exempt records and portions thereof, or a response provided by Tenn. Code Ann. § 10-7-503(a)(2)(B), by no later than close of business on December 12, 2018.

Respondent's Denial of the Request

82. Later in the day on or about November 28, 2018, Mr. Gibbons sent an email to Ms. Thomas (the "Response"), a true and correct copy of which is attached as **Exhibit H**.

83. The Response states, *inter alia*: "In response to your request, as we have stated in response to previous similar requests, the Memphis Shelby Crime Commission is a 501(c)(3) private non-profit entity and is not subject to the TN Public Records Act."



84. After Mr. Gibbons sent the Response to Ms. Thomas on or about November 28, 2018, Mr. Gibbons sent an email to Petitioners' counsel, stating, *inter alia*, "To my knowledge, Ms. Thomas has made three (somewhat repetitious) requests to the Memphis Shelby Crime Commission, a 501(c)(3) private non-profit entity. We have responded to all three requests." A true and correct copy of that email is attached as **Exhibit I**. Petitioners' counsel subsequently received letters from Mr. Gibbons via U.S. mail with substantially the same content.

85. There has been no subsequent communication from Mr. Gibbons or anyone at the MSCC to Petitioners or their counsel regarding Petitioners' Request.

86. No records responsive to Petitioners' Request have been released by the MSCC.

87. The MSCC has not cited any exemptions in the PRA to deny Petitioners access to the records sought by their Request.

#### **CLAIM FOR RELIEF**

88. Petitioners repeat paragraphs 1–87.

89. As of the filing of this petition, the MSCC has not provided any of the records sought by Petitioners' Request.

90. Upon information and belief, the records sought by the Request are in the possession, custody, or control of the MSCC.

91. The MSCC is the functional equivalent of a government agency. Its records are, therefore, public records subject to the access requirements of the PRA.

92. The records sought by the Request are "documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material, regardless of physical form or characteristics, made or received pursuant to law or

ordinance or in connection with the transaction of official business by any governmental agency” and are, therefore, public records under the PRA.

93. None of the exemptions under the Act are applicable to the records sought by the Request.

94. The MSCC has refused and denied access to its records, violating its duties under the PRA as a functional equivalent of a government agency.

95. The MSCC knew, and continues to know, that the records sought by the Request are public records and have willfully refused and failed to disclose them.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioners The Marshall Project and Ms. Thomas pray that this Court:

- 1) Immediately issue an order requiring Respondent MSCC to appear before this Court within ten days and show cause, if any they have, why this petition should not be granted, as provided by Tenn. Code Ann. § 10-7-505(b);
- 2) Grant Petitioners a declaratory judgment that all documents sought by the Request are public records under Tennessee law (“Documents”) and that Respondents’ failure to grant access by the public to these public records constitutes a violation of the PRA;
- 3) Grant Petitioners a declaratory judgment that Respondent MSCC willfully refused to grant access to the Applications as public records;
- 4) Order Respondent to immediately make available to Petitioners copies the records sought by their Request;
- 5) Grant Petitioners their reasonable costs and attorney fees pursuant to Tenn. Code Ann. § 10-7-505(g);
- 6) Grant Petitioners discretionary costs under Tenn. R. Civ. P. 54;

- 7) Grant Petitioners such equitable relief as may be necessary to secure the purposes and intentions of the Act and specifically Tenn. Code Ann. § 10-7-505, including, if necessary, the exercise of the full injunctive remedies and relief available to the Court; and
- 8) Grant Petitioners all such further relief to which they may be entitled.

Respectfully submitted,

ADAMS AND REESE LLP

By: 

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J. BENNETT FOX, JR. (Tenn. BPR No. 26828)

Crescent Center

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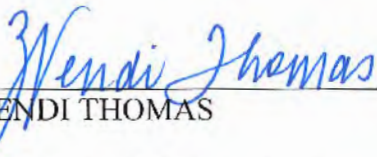
*Attorneys for Petitioners*

**VERIFICATION**

STATE OF TENNESSEE    )  
                                      )  
COUNTY OF SHELBY    )

WENDI THOMAS, being duly sworn, states:

I have reviewed this Verified Petition, and do hereby make oath and swear that the statements of fact made in it are true to the best of my knowledge, information, and belief.

  
\_\_\_\_\_  
WENDI THOMAS

Subscribed and sworn to before me this 5th day of February, 2019.

  
\_\_\_\_\_  
NOTARY PUBLIC

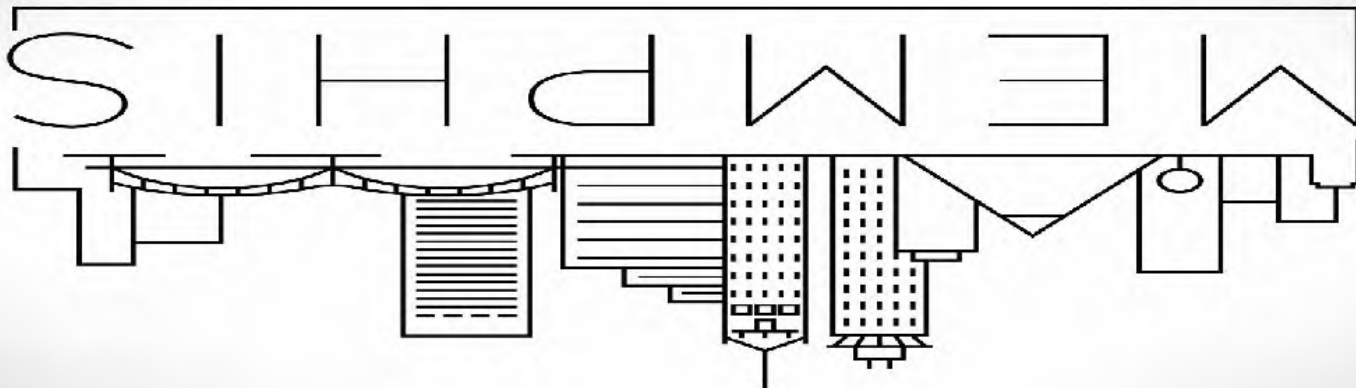
My Commission Expires:

\_\_\_\_\_  
9/26/20





# EXHIBIT A



# Annual Report 2017



**MEMPHIS SHELBY CRIME  
COMMISSION**

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# MISSION STATEMENT



*The Memphis Shelby Crime Commission seeks to improve public safety in the Memphis and Shelby County community by identifying and promoting evidence-based and evidence-informed best practices.*

## INTRODUCTION

Governed by a 50-member board of directors comprised of leaders in law enforcement, criminal justice, business, government, the non-profit community, and the faith community, the Memphis Shelby Crime Commission is the leading community-based entity focused on public safety. It has created unprecedented partnerships with businesses, schools, neighborhood associations, public safety agencies and local violence prevention organizations working to make Memphis and Shelby County a safer place.

A key part of fulfilling the Crime Commission's mission is to spearhead development of a plan called Operation: Safe Community to significantly improve public safety in the Memphis area, galvanize diverse leaders and stakeholders in the implementation and support of the plan, and oversee the hard work necessary to achieve implementation.

The Crime Commission is the ONLY entity in the Memphis community responsible for spearheading development and implementation of a community-wide plan to reduce crime. Every person who resides in Memphis and Shelby County deserves a safe place to live, work, and raise a family. Government alone cannot create this environment, but through dedicated and tenacious efforts expended through a collective impact model, the community can make progress toward this goal. The non-profit design of the Crime Commission provides much more flexibility in strategic thinking and development of collaborations among disparate organizations, sheltered to a large extent from the periodic changes in political administrations.

In 2016, the Crime Commission worked with community stakeholders to develop a new five-year Operation: Safe Community crime plan, becoming the third five-year plan (OSC-3). Over 400 individual stakeholders were consulted in developing the plan, which was approved by the Crime Commission board of directors. The new plan launched in 2017 and is composed of five key goals and sixteen objectives. It is an ambitious but realistic plan to dramatically reduce crime in the Memphis community over a five-year period (2017-2022). District Attorney Amy Weirich chairs the overall implementation effort.

To learn more about the Crime Commission and Operation: Safe Community, visit [www.memphiscrime.org](http://www.memphiscrime.org) or [www.operationsafecommunity.org](http://www.operationsafecommunity.org).



## PARTNERSHIP WITH THE UNIVERSITY OF MEMPHIS

OSC-3 is guided by a joint venture between the Crime Commission and the University of Memphis Public Safety Institute (PSI). The Institute is housed in the University's School of Urban Affairs and Public Policy and draws on researchers from multiple disciplines and departments across the University, including the Department of Criminology and Criminal Justice. One of the hallmarks of this collaborative effort is to bring academic rigor to evaluation of the crime reduction objectives of the current OSC-3 plan.

The Public Safety Institute will be part of evaluating the success of OSC-3 objectives as they develop. The lead PSI researcher, Dr. Angela Madden, has been indispensable in advising on important metrics needed for these new programming efforts. The amount of work is vast and requires a team of researchers and research graduate assistants.

Another aspect of the joint venture is hosting of symposia related to crime reduction efforts tied to the OSC-3 plan. In 2017, the PSI (with financial support from the Urban Child Institute) hosted a symposium to introduce community partners to the assessment center for justice-involved youth concept, a key component of the Operation: Safe Community-3 plan. Plans are underway to host a symposium in May on employment opportunities for ex-offenders with the Tennessee Department of Correction serving as a co-sponsor.



- School of Urban Affairs and Public Policy (SUAPP)



## 2017 MEMPHIS SHELBY CRIME COMMISSION BOARD OF DIRECTORS

---



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*Chair, Board of  
Directors*



***Amy Weirich,***  
*Chair, Operation:  
Safe Community*

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Judge Chris Turner (Shelby County Government)  
Dr. K. B. Turner (University of Memphis)  
District Attorney Amy Weirich (Tennessee State Government)  
Mr. Craig Weiss (Central Defense Security/Tower Ventures)

## STAFF

The Crime Commission has three staff members who work to advance the OSC-3 crime plan. Harold Collins serves as vice-president for community engagement. Brona Pinnolis serves as vice-president for strategic implementation. Sam Walker serves as executive assistant for the Crime Commission.

Bill Gibbons is serving both as president of the Crime Commission and executive director of the Public Safety Institute (PSI) to help insure a seamless practice-research partnership. Other staff members include Crime Commission vice-president for communications and development Linda Russell, who also serves as executive assistant for the PSI. Dr. Angela Madden, PSI research associate professor, is charged with overseeing the evaluation of all aspects of the OSC-3 plan and works closely with Crime Commission staff members.

“We are very fortunate to have people in key positions who work tirelessly to advance the new OSC plan and make our community an even better place,” said Ben Adams, chair of the Crime Commission board of directors.



**Bill Gibbons**  
President and Public Safety Institute  
(PSI) Executive Director



**Linda Russell**  
Vice President, Communications  
and Development  
and PSI Executive Assistant



**Dr. Angela Madden**  
PSI Research Associate  
Professor



**Harold Collins**  
Vice President, Community  
Engagement



**Brona Pinnolis**  
Vice President, Strategic  
Implementation



**Sam Walker**  
Executive Assistant

## **OPERATION: SAFE COMMUNITY CRIME PLAN-3**

The OSC-3 crime plan's goals and objectives are designed to focus primarily (but not totally) on reducing violent crime and increasing community engagement in efforts to reduce crime. The OSC-3 plan is premised on the belief that violent crime reduction is a cornerstone to population growth in Memphis, more and better jobs, and an increasing tax base. And it is also premised on the belief that law enforcement, prosecutors, and corrections officials can't get us where we need to be alone – that it takes concerned citizens stepping forward to be part of the solution and helping insure that all parts of our community are composed of vibrant, safe neighborhoods where citizens want to live and raise their families.

The entire OSC-3 plan is available for review at [www.memphiscrime.org](http://www.memphiscrime.org) OR [operationsafecommunity.org](http://operationsafecommunity.org).

Following is a summary of the five goals and sixteen objectives that make up the plan:

- Strengthen community engagement in crime prevention efforts.
  - Create a "Neighborhood Safety Initiative" to strengthen neighborhood watch and community partnerships with law enforcement.
  - Assign prosecutors to targeted geographic areas to pursue local public safety priorities.
  - Build trust through community policing and more interaction between law enforcement and the public.
  - Expand the Safeways crime prevention program in apartment communities.
- Strengthen law enforcement's ability to reduce violent street crime.
  - Hire and retain more law enforcement personnel.
  - Expand data-driven, proactive policing.
  - Enhance law enforcement training.
  - Enhance information- gathering to reduce gang-related violence.
  - Effectively initiate a "Violence Intervention Focused Deterrence" model to curb gun violence.
  - Reduce gun crimes through tougher state penalties, vigorous federal and state prosecution, and communicating the consequences.
- Strengthen intervention programs for ex-offenders.
  - Provide jobs, life skills, and support programs for high-risk ex-offenders.
  - Implement swift, certain, and fair administrative sanctions for violating certain conditions of probation or parole.

- Enhance domestic violence prevention and intervention efforts.
  - Evaluate and expand the Family Safety Center to reduce the number of repeat victims.
  - Effectively initiate a "Domestic Violence Intervention" model to deal with repeat offenders.
- Enhance interventions for juveniles committing delinquent acts.
  - Establish a youth assessment center for non-violent juvenile offenders.
  - Create a system of Evening Reporting Centers to serve delinquent juveniles.

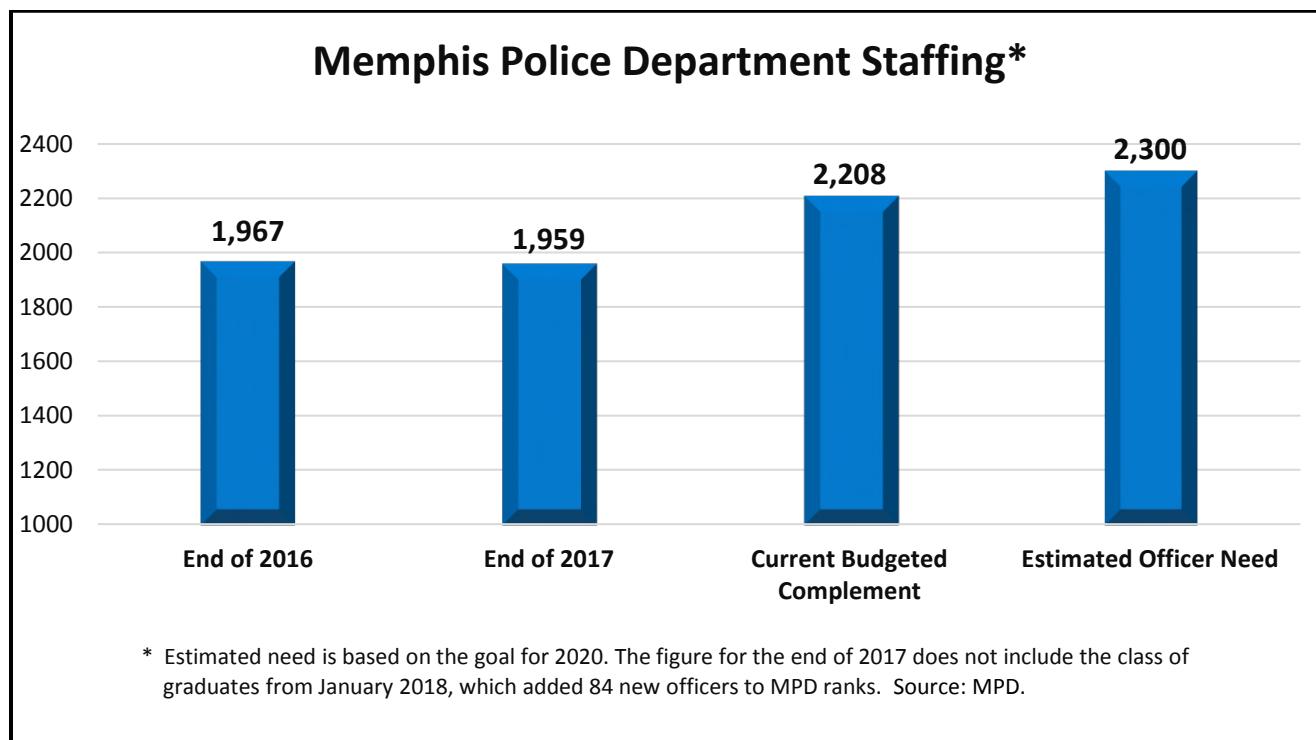
## **OPERATION: SAFE COMMUNITY 2017 HIGHLIGHTS**

The five-year OSC-3 plan is now through its first year, and many of the objectives under the plan were advanced significantly in 2017.

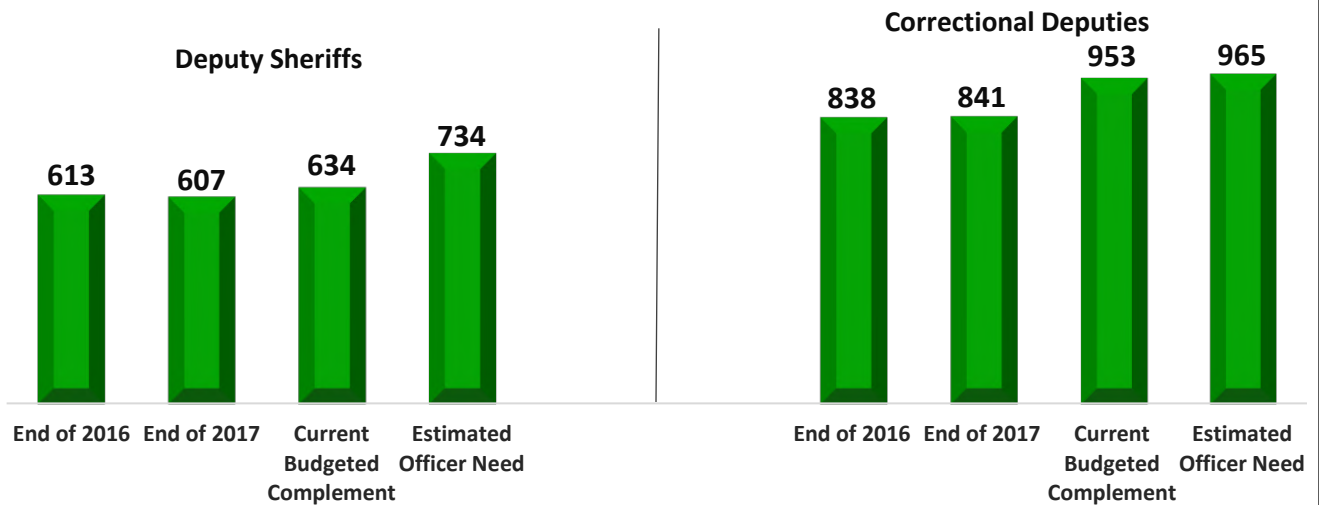
### **LAW ENFORCEMENT STAFFING**

A key part of the plan is the hiring and retention of more law enforcement personnel, specifically in the Memphis Police Department (MPD). The Crime Commission has been working closely with MPD, Memphis Mayor Jim Strickland, and others to reverse a six-year steady reduction in the number of MPD commissioned officers. Private sector funding of over \$6 million is being provided through the Crime Commission to the City of Memphis to pay for retention and recruitment bonuses at MPD, as well as other steps to reverse what has resulted in a net loss of some 20% of the city's police force.

With the graduation of a class of officers in January of 2018, for the first time since 2011, the MPD is expected to have a net increase in police officers.



## Shelby County Sheriff's Office Staffing\*



\*A contingent of 25 deputy sheriffs has been budgeted for the current fiscal year, with class scheduled to begin in March 2018. Source: Shelby County Sheriff's Office.

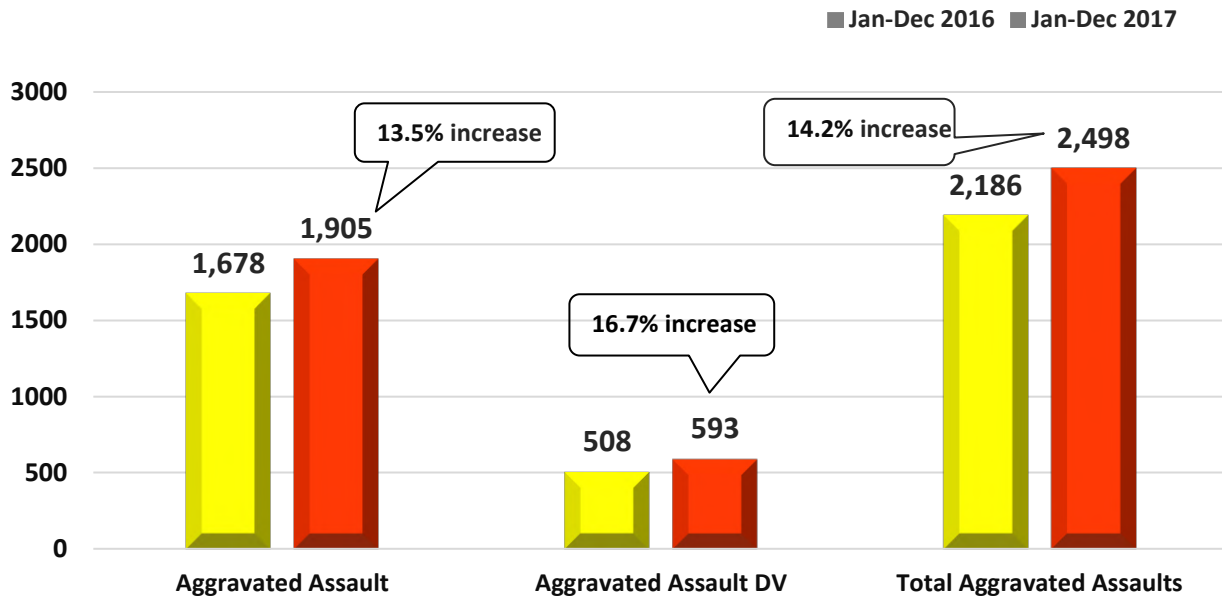
## ENACTMENT OF TOUGHER SENTENCES, VIGOROUS PROSECUTION AND COMMUNICATION OF THE CONSEQUENCES OF GUN CRIME

As part of the OSC-3 plan, with the help of Senator Mark Norris and others, the Tennessee General Assembly enacted legislation this year imposing tougher sentences for convicted felons possessing guns, and the FED Up, Gun Crime Max Time communications effort has been launched to convey the consequences of engaging in gun crime, with the goal of changing behavior. The following charts on reported aggravated assaults with firearms and reported incidents of shots-fired point out the importance of focusing on a reduction in gun crime.



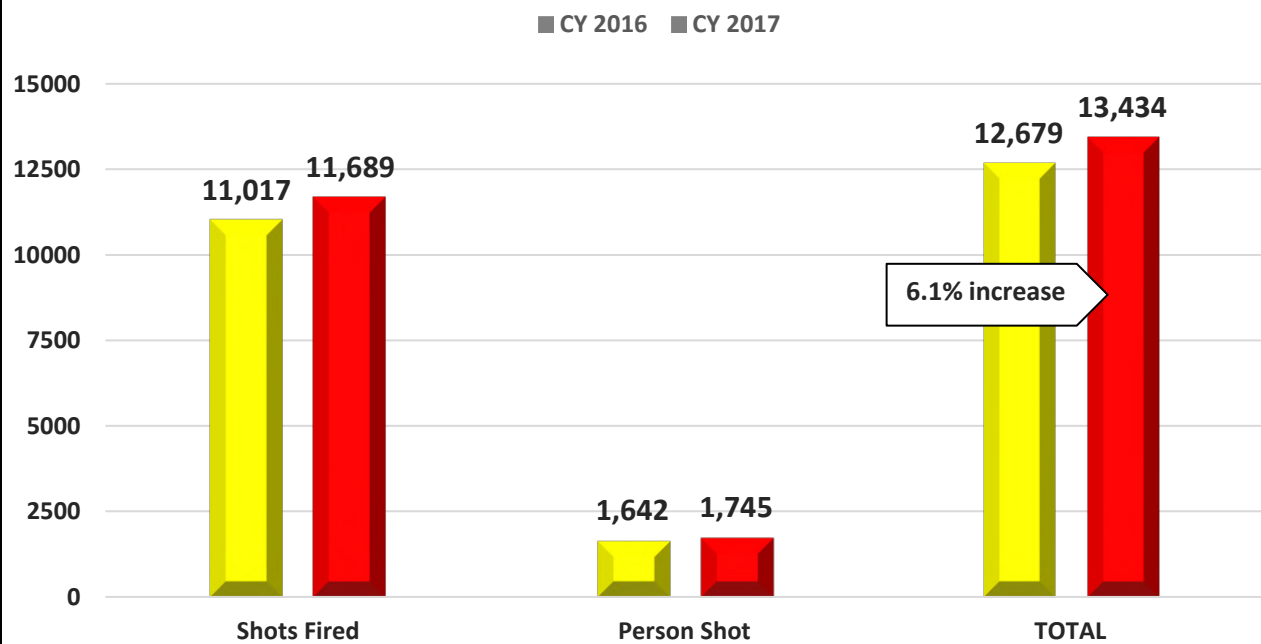


## Reported Aggravated Assaults Committed with Firearms 2016 vs. 2017



Source: Project Safe Neighborhoods G.U.N. Unit

## Memphis Calls for Service for Shots Fired 2016 vs. 2017



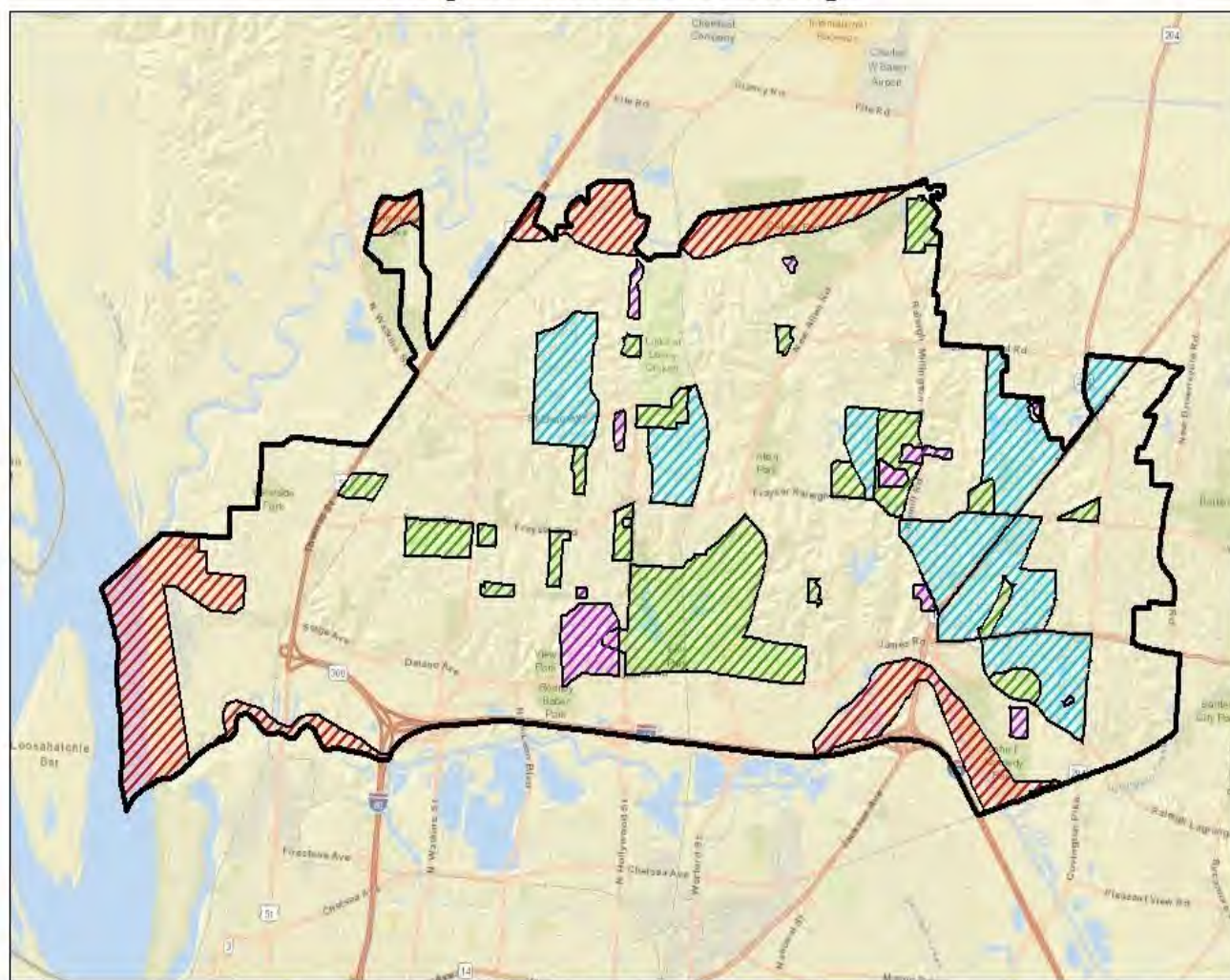
Source: Memphis Police Department

## COMMUNITY PROSECUTION/THE NEIGHBORHOOD SAFETY INITIATIVE

As another part of the plan, District Attorney Amy Weirich has launched community prosecution models in three MPD precincts and one Sheriff's Office district, with promising results in reducing case disposition times, thereby helping to insure swift and certain accountability for criminal behavior.

The OSC-3 plan calls for implementation of a Neighborhood Safety Initiative in certain geographic areas to increase citizen participation in efforts to curb crime. In consultation with the Memphis Police Department (MPD), the Old Allen and Tillman MPD were chosen initially for this effort. Part of the effort is to increase the number of neighborhood watch programs and areas covered by active neighborhood watch groups. The Crime Commission is working with MPD, neighborhood groups, and concerned citizens to increase neighborhood watch coverage.

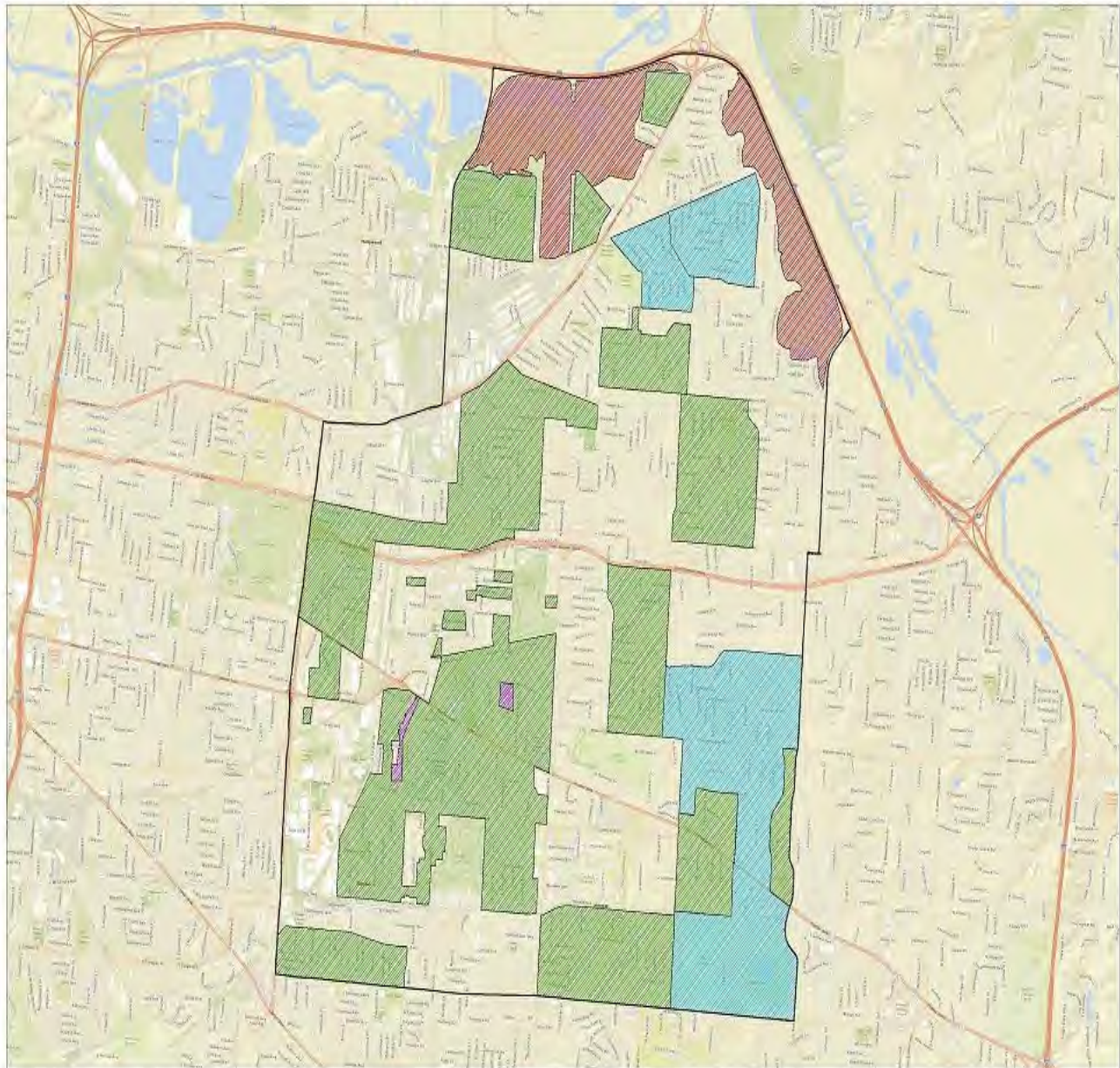
### Old Allen Memphis Police Department Precinct Neighborhood Watch Groups





# Tillman Memphis Police Department Precinct

## Neighborhood Watch Groups



0 0.425 0.85 1.7 2.55 3.4 Miles

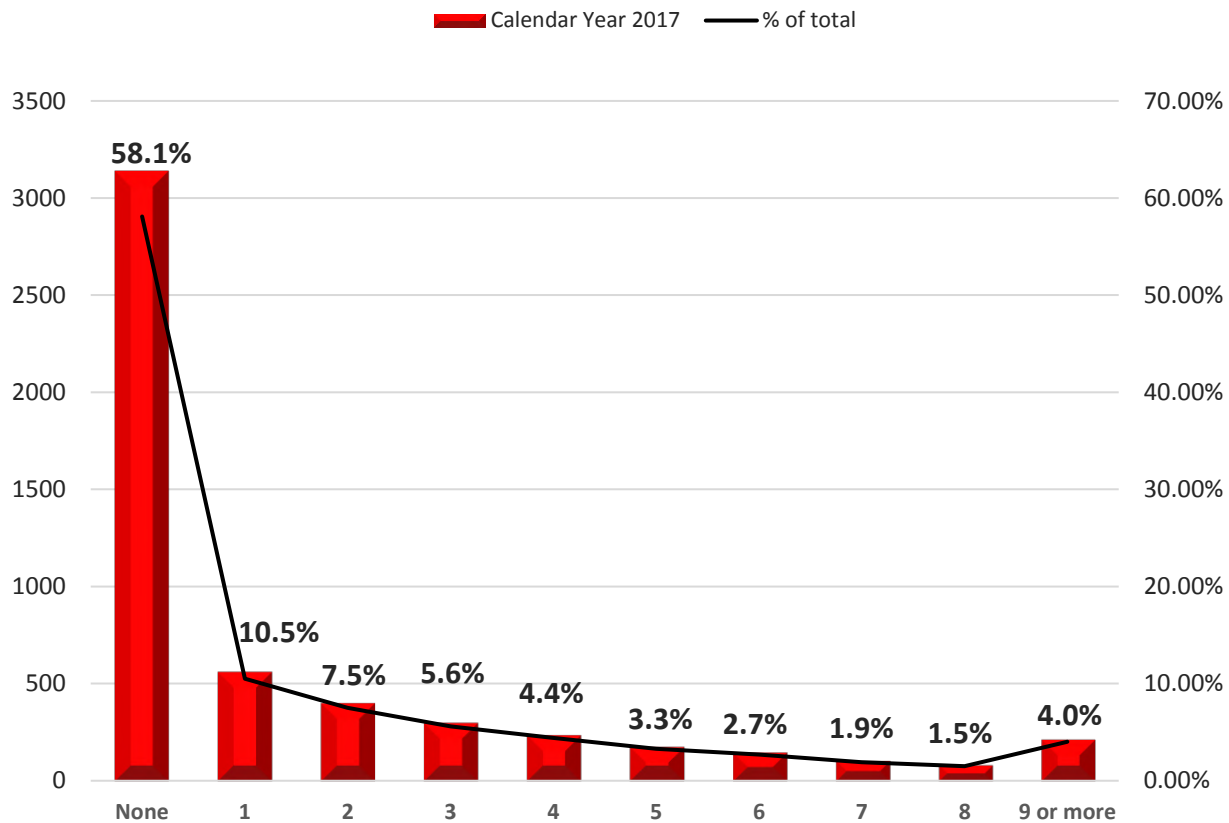
- Areas With Neighborhood Watch Groups as of 2016
- Target Areas Based on Population
- Areas With Neighborhood Watch Groups Formed in 2017
- Non-Residential & Floodplain Areas
- Tillman Precinct



## INTERVENING TO CURTAIL JUVENILE CRIME

Other elements of the plan are in their initial stages of development. For example, the plan calls for the creation of an assessment center model that will divert youth away from the juvenile court system and seek to address underlying factors to prevent them from ever having to enter the system. Shelby County Mayor Mark Luttrell has taken the lead in developing this model.

### Juvenile Delinquency\* Offenders--Number of Prior Delinquency Complaints 2017



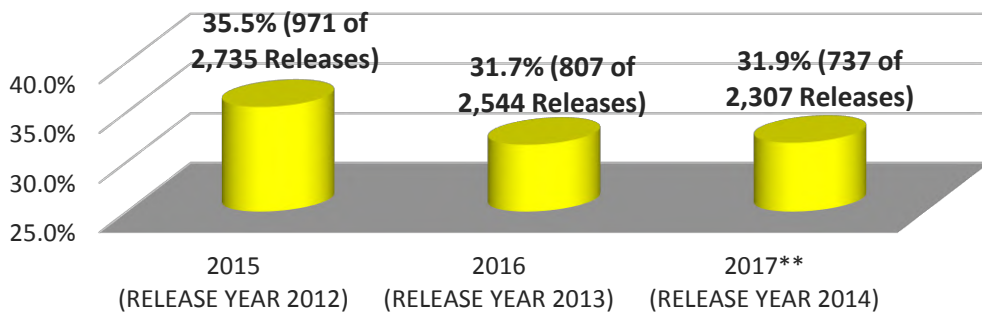
\* Excludes Unruly. Total percent = delinquent recidivists/delinquent complaints. More than 40% were repeat offenders. Source: Shelby County Juvenile Court.

As indicated by the chart above, in 2017, over 40% of delinquent offenders had prior delinquency complaints in Juvenile Court. The assessment center model is designed to reduce the number of repeat offenders by more effectively assessing and addressing issues upon the first encounter with law enforcement and, at the same time, reduce the number of youth who develop a juvenile court record.

## REDUCING REPEAT OFFENDERS THROUGH INCREASED JOB OPPORTUNITIES

Workforce Investment Network, a federally funded, city administered workforce program, in conjunction with various organizations working to help citizens returning to the community from incarceration, is scheduled to begin a transitional work program for ex-offenders in January 2018. This is a key part of the OSC-3 plan, with the goal of reducing the number of repeat offenders. The charts below reflect the importance of efforts to reduce the repeat offender rate.

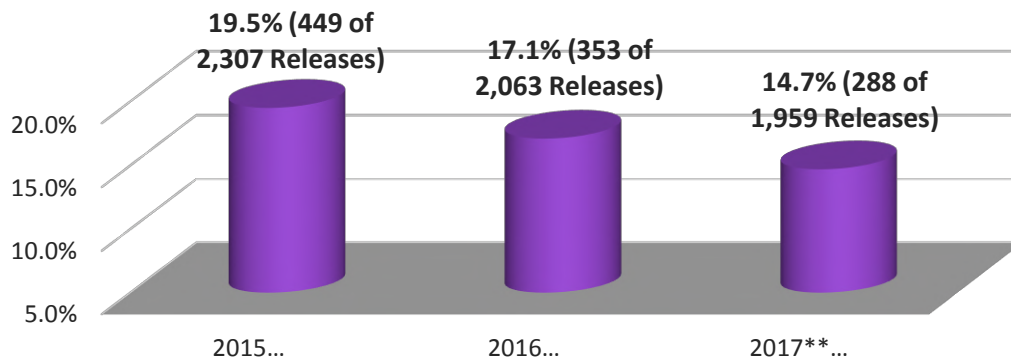
### SHELBY COUNTY'S RECIDIVISM RATE FOR FELONY INMATES RELEASED FROM INCARCERATION\* JANUARY - DECEMBER



\* Recidivism is defined as the percentage of convicted felony inmates who are re-incarcerated within three years of the year in which they were released from incarceration in a county facility or Department of Correction facility. For example, the 2016 recidivism rate is the percentage of inmates released in calendar 2013 who had been re-incarcerated by the end of calendar year 2016.

\*\* Preliminary figures will not be finalized until April 2018. Source: TN Department of Correction.

### SHELBY COUNTY'S RETURN RATE FOR FELONY INMATES RELEASED FROM INCARCERATION\* JANUARY - DECEMBER



\* Return rate is defined as the percentage of convicted felony inmates who are re-incarcerated within one year of their release. For example, the 2016 return rate is the percentage of inmates released in calendar year 2015 who were re-incarcerated by the end of calendar year 2016.

\*\* Preliminary figures will not be finalized until April 2018. Source: TN Department of Correction



# OPERATION: SAFE COMMUNITY

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## MOVING FORWARD

In 2018, we must build on the momentum generated in 2017 with a healthy sense of urgency. As Mayor Strickland has noted, reducing violent crime in particular is our No. 1 priority as a community. The Crime Commission looks forward to working with its partners in 2018 to advance implementation of a plan that can make our community safer. The Crime Commission is committed to implementation of a crime plan designed to achieve measurable, near-term reductions in crime with clear benchmarks, including gun and gang violence, youth violence, and domestic violence.

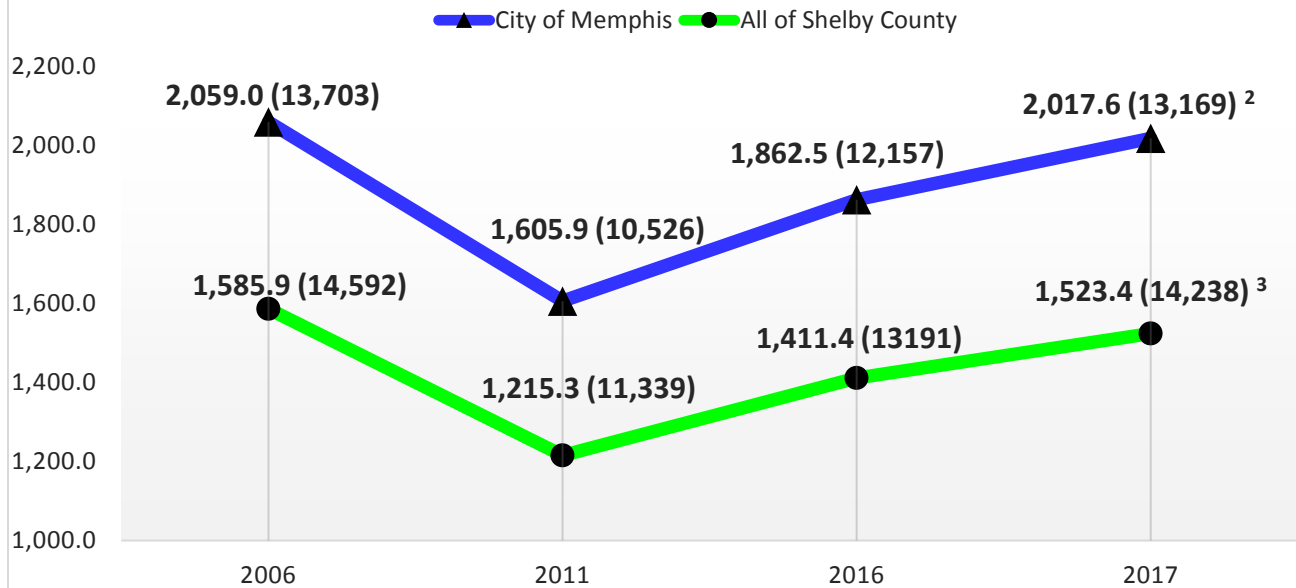
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## CRIME TRENDS

In measuring overall crime rates and trends, the Crime Commission (and the Public Safety Institute) use data reported by local enforcement agencies to the Tennessee Incident Based Reporting System (TIBRS), which was developed and is maintained by the Tennessee Bureau of Investigation. An incident is defined in TIBRS as “one or more offenses committed by the same offender, or group of offenders acting in concert, at the same time and place.” Reported major violent crime and domestic violence offenses, however, uniquely refer to a victim count versus an incident count. All rates are calculated based on per 100,000 population.

Through the media, on a quarterly basis, the Crime Commission and the Public Safety Institute issue jointly crime data for both Memphis and all of Shelby County, including the numbers and rates per 100,000 population for overall crime, major violent crime, major property crime and domestic violence. The data is posted on the Crime Commission website quarterly as well.

## MAJOR VIOLENT CRIME JANUARY - DECEMBER (Incidents Per 100,000 Population and Numbers)<sup>1</sup>



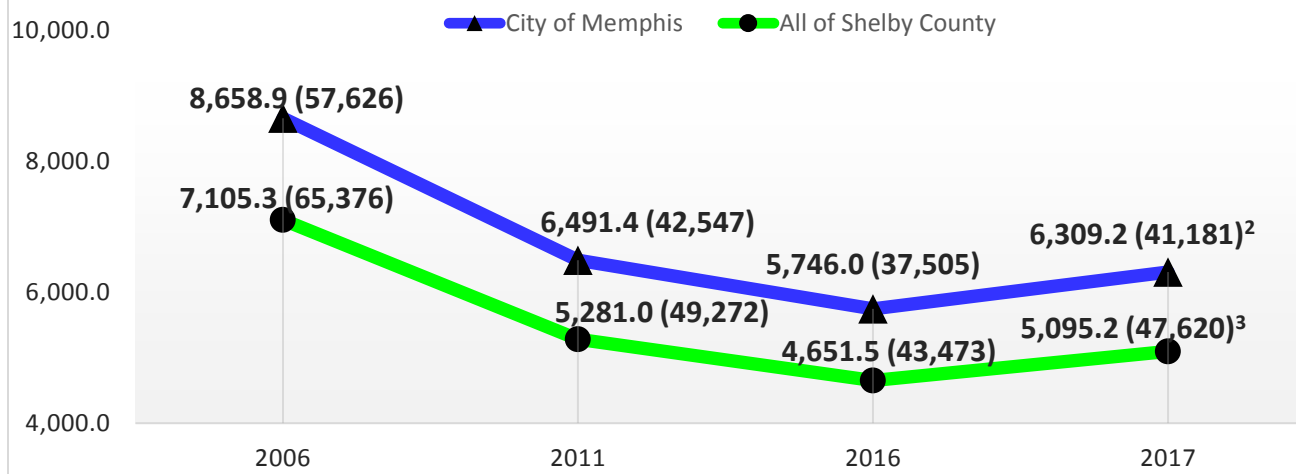
<sup>1</sup> Includes murders, forcible rapes, robberies, and aggravated assaults.

Source: Tennessee Bureau of Investigation (TBI). The 2017 TBI figures are preliminary.

<sup>2</sup> The 2017 figure is a decrease of 2.0 percent from 2006 and an increase of 8.3 percent from 2016 in the City of Memphis.

<sup>3</sup> The 2017 figure is a decrease of 3.9 percent from 2006 and an increase of 7.9 percent from 2016 in all of Shelby County.

## MAJOR PROPERTY CRIME JANUARY - DECEMBER (Incidents Per 100,000 Population and Numbers)<sup>1</sup>



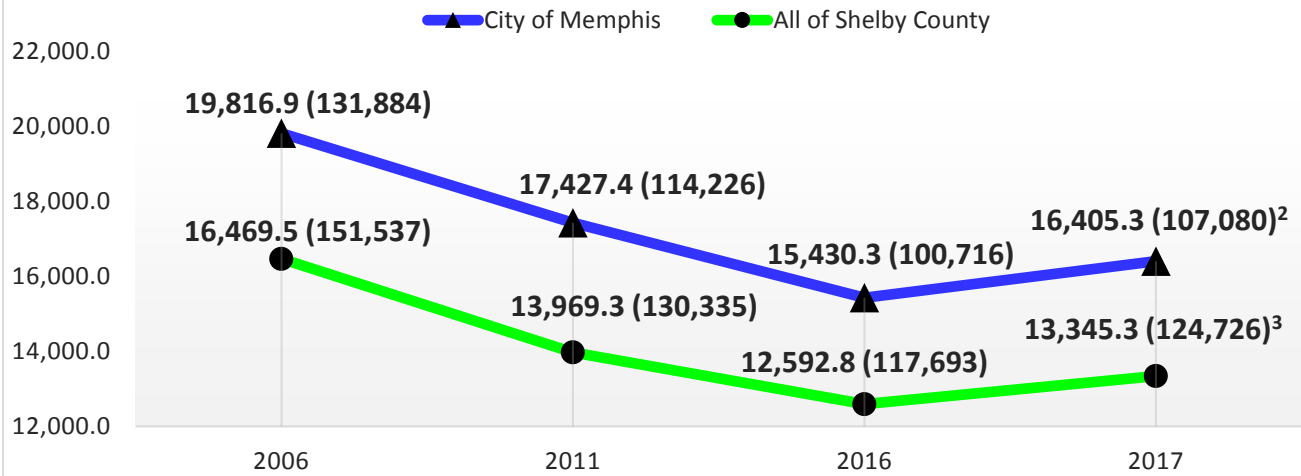
<sup>1</sup> Includes burglaries, motor vehicle thefts, and other felony thefts.

Source: Tennessee Bureau of Investigation (TBI). The 2017 TBI figures are preliminary.

<sup>2</sup> The 2017 figure is a 27.1 percent decrease from 2006 and a 9.8 percent increase from 2016 in the city of Memphis.

<sup>3</sup> The 2017 figure is a 28.3 percent decrease from 2006 and a 9.5 percent increase from 2016 in all of Shelby County.

# **OVERALL CRIME** **JANUARY - DECEMBER** **(Incidents Per 100,000 Population and Numbers)<sup>1</sup>**



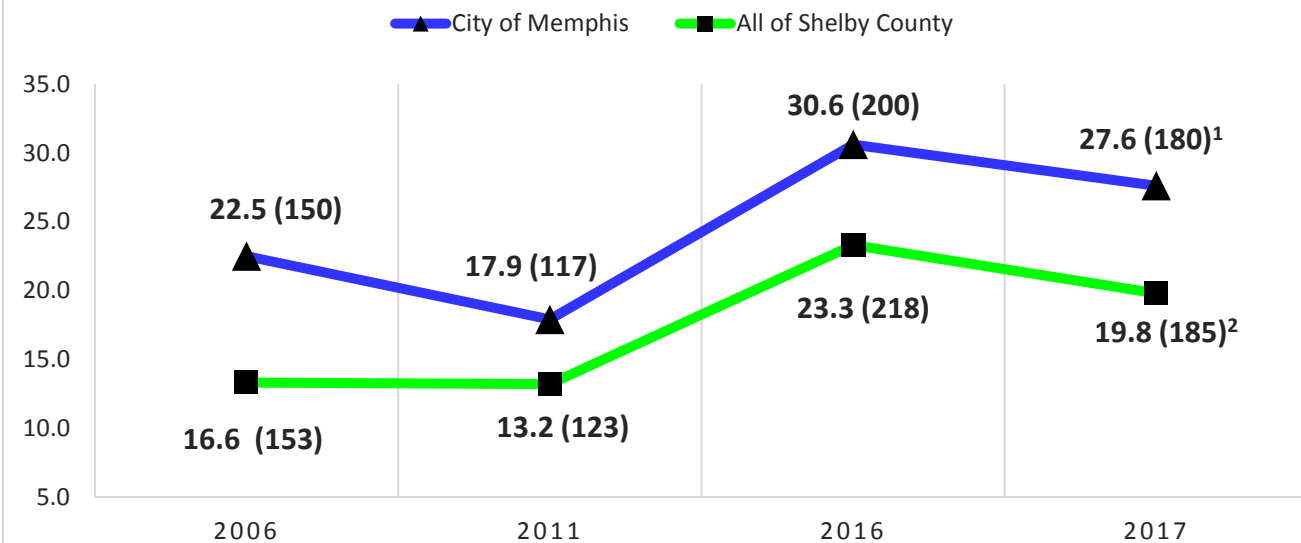
<sup>1</sup> The overall crime rate is measured by 54 separate categories of "Group A crimes" tracked by the T.B.I.

Source: Tennessee Bureau of Investigation (TBI). The 2017 TBI figures are preliminary.

<sup>2</sup> The 2017 figure is a 17.2 percent decrease from 2006 and a 6.3 percent increase from 2016 in the city of Memphis.

<sup>3</sup> The 2017 figure is a 19.0 percent decrease from 2006 and a 6.0 percent increase from 2016 for all of Shelby County.

# **REPORTED MURDERS** **JANUARY - DECEMBER** **(RATE PER 100,000 POPULATION AND NUMBERS)**

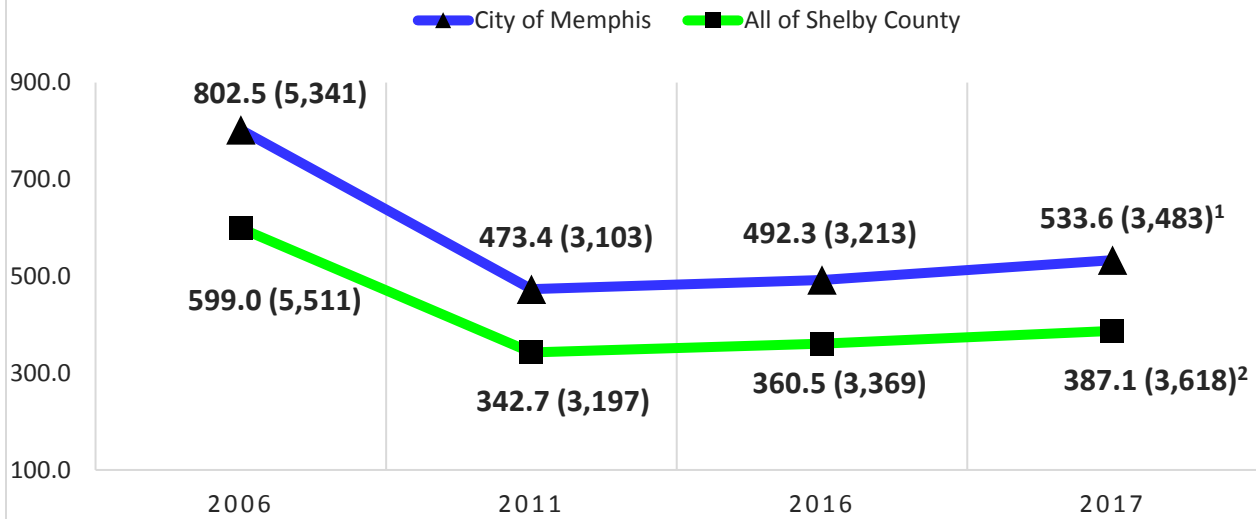


<sup>1</sup> The 2017 figure is an increase of 22.4 percent from 2006 and a decrease of 10.0 percent from 2016 in the City of Memphis.

<sup>2</sup> The 2017 figure is an increase of 19.0 percent from 2006 and a decrease of 15.1 percent from 2016 in all of Shelby County.

Source: Tennessee Bureau of Investigation (TBI). The 2017 TBI figures are preliminary.

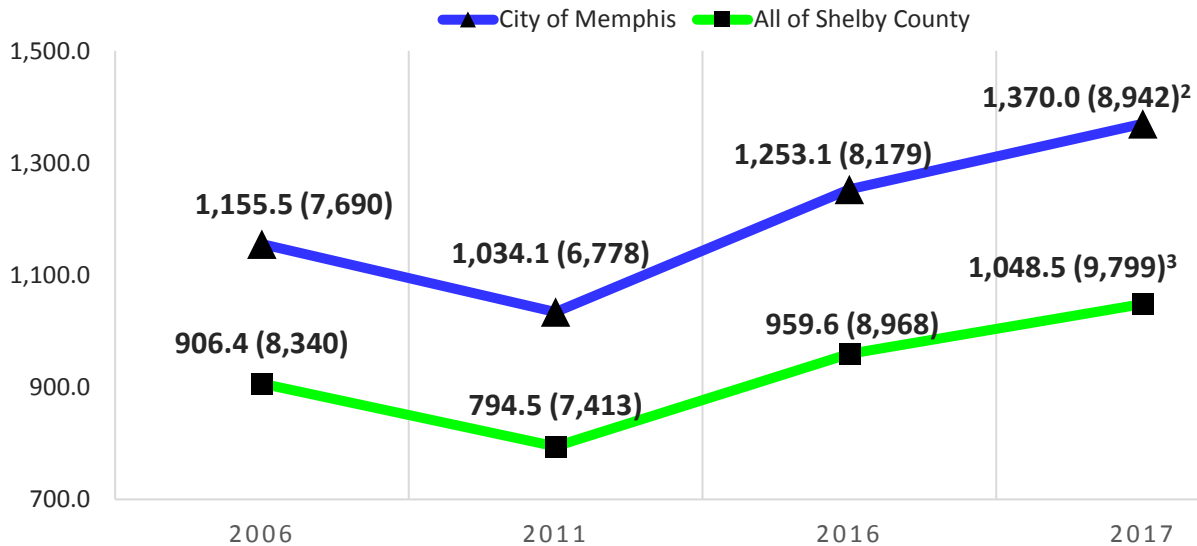
## REPORTED ROBBERIES JANUARY - DECEMBER (RATE PER 100,000 POPULATION AND NUMBERS)



<sup>1</sup> The 2017 figure is a decrease of 33.5 percent from 2006 and an increase of 8.4 percent from 2016 in the City of Memphis.

<sup>2</sup> The 2017 figure is a decrease of 35.4 percent from 2006 and an increase of 7.4 percent from 2016 in all of Shelby County.  
Source: Tennessee Bureau of Investigation (TBI). The 2017 TBI figures are preliminary.

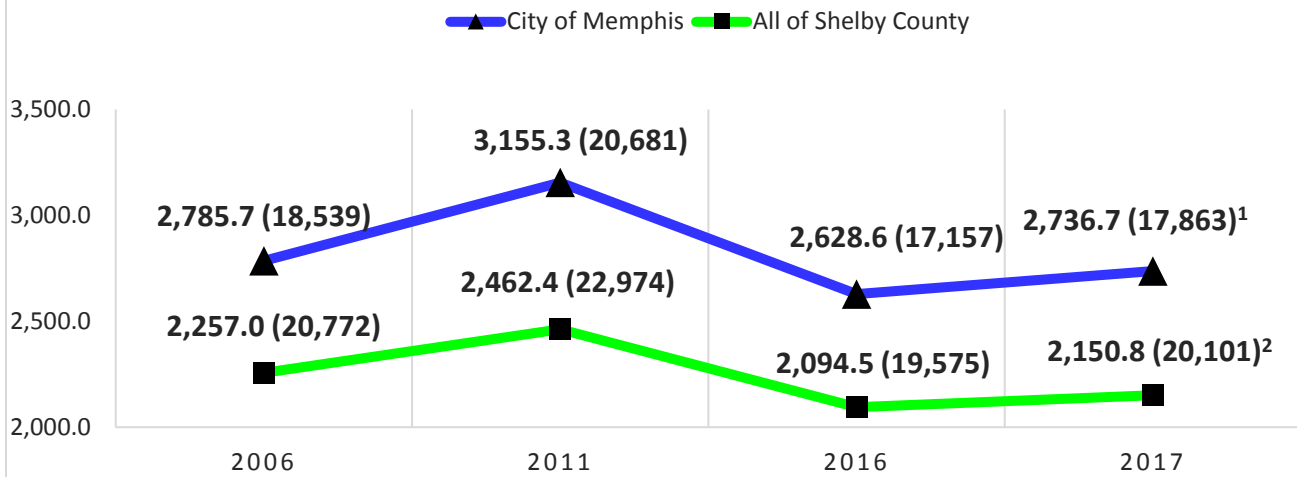
## REPORTED AGGRAVATED ASSAULTS JANUARY - DECEMBER (RATE PER 100,000 POPULATION AND NUMBERS)<sup>1</sup>



<sup>1</sup> The 2017 figure is an increase of 18.6 percent from 2006 and an increase of 9.3 percent from 2016 in the City of Memphis.

<sup>2</sup> The 2017 figure is an increase of 15.7 percent from 2006 and an increase of 9.3 percent from 2016 in all of Shelby County.  
Source: Tennessee Bureau of Investigation (TBI). The 2017 TBI figures are preliminary.

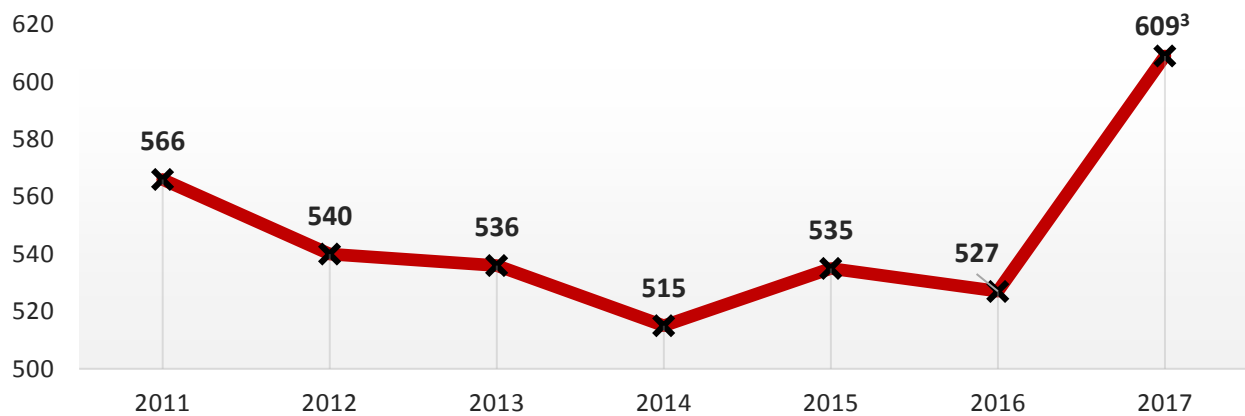
## REPORTED DOMESTIC VIOLENCE OFFENSES JANUARY - DECEMBER (RATE PER 100,000 POPULATION AND NUMBERS)



<sup>1</sup> The 2017 figure is a decrease of 1.8 percent from 2006 and an increase of 4.1 percent from 2016 in the City of Memphis.

<sup>2</sup> The 2017 figure is a decrease of 4.7 percent from 2006 and an increase of 2.7 percent from 2016 in all of Shelby County.  
Source: Tennessee Bureau of Investigation (TBI). The 2017 TBI figures are preliminary.

## MAJOR VIOLENT DELINQUENT CHARGES<sup>1</sup> AGAINST JUVENILES IN MEMPHIS/SHELBY COUNTY<sup>2</sup> JANUARY - DECEMBER



<sup>1</sup> Major violent delinquent charges include premeditated first degree murder, first degree murder in perpetration of a felony, Second degree murder, especially aggravated robbery, aggravated robbery, robbery, aggravated rape, aggravated rape of a child, rape, rape of a child and aggravated assault. These are essentially the same categories that make up the F.B.I.'s Major Violent Crime totals that are used by the Public Safety Institute and the Crime Commission when releasing overall Major Violent Crime figures for Memphis and Shelby County.

<sup>2</sup> Source: Juvenile Court of Memphis and Shelby County

<sup>3</sup> A 17.0 percent increase compared to 2011 and 11.8 percent increase compared to 2016





Prepared and printed by the Memphis Shelby Crime Commission, a 501(c)(3) non-profit Corporation located at 600 Jefferson Avenue, Suite 400, Memphis, TN 38105.  
[www.memphiscrime.org](http://www.memphiscrime.org) or [www.operationsafecommunity.org](http://www.operationsafecommunity.org)  
901-527-2600

# EXHIBIT B



# **OPERATION: SAFE COMMUNITY**

**A MEMPHIS FAST FORWARD INITIATIVE**

## **Operation: Safe Community-3 The 2017-2021 Memphis-Shelby County Crime Plan**

*Amended July 2017*

# The Memphis-Shelby County 2017-2021 Crime Plan

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<i>Moving Forward to Operation: Safe Community 3</i>	2
<i>Plan Outcomes by end of 2021</i>	4

### **GOAL A. Strengthen community engagement in crime prevention efforts.**

<b>Objective A1:</b> Establish and maintain a “Neighborhood Safety Initiative” (NSI) that builds on and strengthens partnerships among neighborhood groups, law enforcement, and other city/county government agencies.	5
<b>Objective A2:</b> Establish a community prosecution model in targeted communities.	7
<b>Objective A3:</b> Intensify problem-solving community policing through stronger police-citizen relations.	9
<b>Objective A4:</b> Expand Safeways’ intensive crime prevention program for Shelby County apartment communities.	11

### **GOAL B. Strengthen law enforcement’s ability to reduce violent street crime.**

<b>Objective B1:</b> Clarify and resolve shortages in law enforcement staffing.	13
<b>Objective B2:</b> Use additional law enforcement staffing, technology, and other resources to expand data-driven, proactive policing.	14
<b>Objective B3:</b> Enhance law enforcement training to better serve the community.	15
<b>Objective B4:</b> Enhance the use of intelligence and data-gathering to reduce gang violence.	17
<b>Objective B5:</b> Effectively implement a “Group Violence Intervention” (GVI) model in which multiple law enforcement and prosecution agencies team up with community members and social service providers to deliver a “carrot and stick” approach to curbing gang-affiliated gun violence.	18
<b>Objective B6:</b> Expand efforts to reduce crimes with guns through (1) strengthen state penalties involving illegal possession of guns, (2) enforcing both federal and state gun laws effectively, and (3) communicating to the street level the consequences of engaging in gun crime. <i>(Language amended July 2017.)</i>	19

# The Memphis-Shelby County 2017-2021 Crime Plan

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### GOAL C. Strengthen intervention programs for ex-offenders.

20

**Objective C1:** In order to increase their chances of breaking the cycle of crime, implement a jobs program for high-risk ex-offenders that adds a transitional work feature to the more traditional program elements of job placement, life skills and mental health support.

21

**Objective C2:** Effectively implement the state's new system of "swift, certain and fair" administrative sanctions in lieu of incarceration for violating certain conditions of probation or parole.

22

### GOAL D. Enhance domestic violence prevention and intervention efforts.

23

**Objective D1:** Evaluate and expand the success of the Family Safety Center in reducing re-victimization.

23

**Objective D2:** Effectively implement a "domestic violence initiative (DVI)" model in which multiple law enforcement agencies team up with community members and social service providers to deal with repeat domestic violence offenders with a "carrot and stick" model.

24

### GOAL E. Enhance interventions for juveniles committing delinquent acts.

25

**Objective E1:** Establish a juvenile assessment center (JAC) to provide needs assessments and appropriate interventions for non-violent juvenile offenders (both delinquent and status offenders) rather than automatically involving them in the criminal justice system.

25

**Objective E2:** Develop a system of Evening Reporting Centers (ERC) across the county to serve more delinquent juveniles at the community level.

27

### Memphis Shelby Crime Commission Leadership

29



## The Memphis-Shelby County 2017-2021 Crime Plan

### *Background on OSC-1 and 2*

In 2006, Memphis Fast Forward undertook an ambitious plan to reduce both violent and property crime through its public safety arm, the Memphis Shelby Crime Commission. The first five-year Operation: Safe Community plan spanned 2007-2011 and used the date that Memphis Fast Forward was organized – 2006 – as the baseline for the monthly reporting of violent crime and property crime, a date that also coincided with a significant rise in violent crime. This first five-year plan, Operation: Safe Community-1, was comprised of 15 research-backed, data-driven strategies. During the five year period of OSC-1, the major violent crime rate dropped 20.2% in Memphis and 23.5% countywide. The major property crime rate declined 23.2% in Memphis and 25.7% across Shelby County.<sup>1</sup>

Operation: Safe Community adopted key operating principles for its work at the time:

- *The crime prevention plan supports the countywide plan for economic prosperity.*
- *The plan builds on strong private and public partnerships.*
- *Multi-level governmental participation among city, county, state, and federal agencies is essential for success.*
- *The plan evolves with a willingness to change course in light of emerging trends.*
- *The plan is characterized by clearly defined metrics reported to the public.*
- *Partners' accountability is central to the plan.*
- *The plan's implementation is based on evidence-based or evidence-informed models when possible.*

Upon the conclusion of the first five-year plan, Operation: Safe Community assessed its results, recognized that more work needed to be done, and developed a second five-year plan to build on the momentum already created. The second five-year plan began in 2012. A separate report sets forth the outcomes of OSC-2 in greater detail. Overall, some erosion has occurred in the major violent crime reduction successes of OSC-1. Still lower than the 2006 levels, reductions in the major violent crime rate stand at approximately 13% below 2006 levels for Memphis and approximately 16% below for all of Shelby County as of September 2016. The major property crime rate reflects more success, with continued reductions from 2007 to the present. As of September 2016, the reduction in the major property crime rate below 2006 levels is approximately 35% for Memphis

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<sup>1</sup> TBI incident-based reporting system. These are the statistics as currently reported through TBI. Because crime data evolves over time, these percentages may not coincide exactly with the percentages reported at the conclusion of the OSC-1 plan in 2011.



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and 38% for Shelby County.<sup>2</sup> Furthermore, the rate of overall incidents of crime (includes 54 categories of offenses) decreased by over 23% in Memphis from 2006 to year end 2015 and by almost 26% countywide.<sup>3</sup>

Memphis has been one of a number of U.S. cities that has recorded significant increases in the numbers of murders. Criminologists have been unable to explain this rise since there is no clear commonality among cities such as Memphis, Jacksonville, Nashville, Louisville, Las Vegas, Chicago, and Los Angeles. Aggravated assaults and robberies, however, account for most of the uptick in major violent crime rates.

### *Moving Forward to Operation: Safe Community 3*

#### *Key Operating Principles*

In response to these trends, this third version of Operation: Safe Community narrows its focus and objectives in part to concentrate primarily on violent crime and

efforts that can have the greatest impact. To assist in this process, OSC-3 fine-tuned its key operating principles for determining how best to have an impact:

- *The Objective is requested and/or supported by the relevant “owner(s)” of the Objective.*
- *The Objective is evidence-based or evidence-informed.*
- *The Objective can have a near-term impact on the violent crime rate in particular (appreciably measurable during pendency of the plan).*
- *The Objective is criminal justice system involved.<sup>4</sup>*
- *The “owner(s)” of the Objective are agreeable to an independent evaluation of both their processes and outcomes.*

The OSC-3 plan encompasses five goals and sixteen specific objectives. The plan was developed with input from approximately 500 citizens and approved by the board of directors of the Crime Commission, composed of fifty community leaders equally divided between the public and private

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<sup>2</sup> TBI incident-based reporting system. 2016 figures are preliminary.

<sup>3</sup> *Id.*

<sup>4</sup> While critical to a holistic view of the causes of crime, poverty, and community well-being, many items in OSC-2 did not directly impact the criminal justice system. We recognize these efforts and welcome the work being done in other sectors of the community on them. The Crime Commission will continue to convene with the leaders in these areas to stay abreast of developments and look for opportunities to collaborate, but the OSC-3 plan will no longer actively monitor their implementation.

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sectors. It is a five-year plan designed to make the Memphis community one of the safest of its size in the nation.

### *The Public Safety Institute*

To supercharge this next phase, OSC-3 is guided by a new joint venture between the Crime Commission and the University of Memphis, which has created the Public Safety Institute. The Institute is headed by Bill Gibbons, former Tennessee Commissioner of Safety and Homeland Security. He simultaneously serves as president of the Crime Commission.

The Institute is housed in the University's School of Urban Affairs and Public Policy and will draw on researchers from multiple disciplines and departments across the University, including the Department of Criminology and Criminal Justice and the Cecil C. Humphreys School of Law. In addition, the Institute hopes to explore policies and strategies for improving public safety with national experts at other universities.

### *Guiding Principles*

Some guiding principles impacting selection of goals and objectives for OSC-3 include the realization that high crime rates and perceptions of lack of safety cannot be resolved by law enforcement alone. As many in the law enforcement and justice communities have repeatedly acknowledged, we cannot "arrest our way out of this problem." However, accountability for criminal acts is a fundamental tenet of society. Many of the provisions in the Public Safety Act of 2016, enacted by the Tennessee General Assembly and effective January 1, 2017, reflect the need for more meaningful accountability with a focus on impacting the number of repeat offenders. The OSC-3 plan reflects, in large part, a recognition that all parties must be at the table for crime to decrease in meaningful measure. It reflects that accountability rests not just on those accused of crime, but on the entire system to help move people to a place of success following payment of a societal debt for crimes committed, recognizing there are no easy solutions to these issues. It recognizes that domestic violence continues to comprise a high proportion of overall violent crime. (Based on TBI data, domestic violence incidents account for roughly half of all reported incidents against persons.) It recognizes that too many citizens living in apartment communities are at risk for both violent and property crime victimization. It recognizes that keeping youth out of the criminal justice system and addressing underlying issues has far more promise at reducing crime rates now and into the future.

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OSC-3, in keeping true to its key guiding principles, will closely monitor fidelity to processes and measurement of outcomes. The plan is designed to be evolutionary; as ongoing evaluations occur, the plan can be amended when an evaluation warrants a change of course with regard to goals, objectives, or outcome measurements.

### *Plan outcomes<sup>5</sup> by end of 2021 (2016 as baseline year):*

- Reduce the major violent crime rate (defined by the FBI as murder, rape, aggravated assault and robbery) by at least 30%.
- Reduce the major property crime rate (defined by the FBI as burglary, auto theft and other felony theft) by at least 30%.
- Reduce the overall crime rate (defined by the TBI as 54 “Group A” crimes, including all major crime categories) by at least 25%.

### ***GOAL A. Strengthen community engagement in crime prevention efforts.***

Strengthening community involvement and improving community relations with law enforcement are of critical importance. While most people of good faith strive for these goals in their professional and everyday lives, setting specific actions to achieve these ends is important to bringing a deliberateness and commitment to the process. Community engagement permeates all measures set forth in this plan. The goal of strengthening community engagement in crime prevention is measured through an assessment of process outcomes, rather than crime reduction outcomes *per se*. Improvements in these processes will impact the ultimate outcome goal of reduced crime.

#### **Key Goal Outcomes:**

1. Community satisfaction with law enforcement will improve.
2. Increase the number of citizens participating in community groups related to crime prevention by at least 100% by 2021.

<sup>5</sup> Due to the large number of crime categories encompassed in overall crime, not all of which are impacted by specific objectives of the OSC-3 plan, the reductions to overall crime may be lower than the focused reductions on major violent crime and major property crime.



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(These Goal A outcomes contribute to the target of reducing the overall crime rate by at least 25%.)

**Objective A1: Establish and maintain a “Neighborhood Safety Initiative” (NSI) that builds on and strengthens partnerships among neighborhood groups, law enforcement, and other city/county government agencies. (Key owners: Crime Commission, City of Memphis, Shelby County)**

Citizens are key players in community safety, especially when they are organized into groups targeting unwanted activity in their neighborhoods. Memphis and Shelby County are fortunate to have a deep vein of neighborhood organizations focused on improving their respective communities. There are numerous groups<sup>6</sup>, among them, neighborhood watch groups which are aligned with police precincts and which enable citizens to report unusual or potentially criminal activity in their communities to the authorities. Law enforcement also educates members of neighborhood watch organizations on how to improve safety in their homes and communities. Additionally, across Shelby County, police joint agencies (PJAs) are partnership organizations between citizens and government and consist of representatives from various neighborhood groups, meeting monthly to address specific concerns relating to health code, housing code, and/or criminal activity concerns with both law enforcement and code officials.

Underlying the existence of these organizations is a recognition that citizens living within a community are best situated to observe problem properties and problem people and bring them to the attention of government. Addressing these concerns is a central tenet of local government and part of the taxpaying contract with citizens. Problem properties are defined as those in violation of code requirements and/or properties that attract criminal activity. Problem people are those individuals who engage in habitual anti-social behaviors which may be criminal in nature. These individuals can wreak havoc on the greater peace of the community. Many of these problem people are well known to law enforcement through prior contact or other means, but citizen complaints form a powerful tool in helping to restore order to a community.

In a Memphis Police Department neighborhood survey conducted in 2014 in the areas of Frayser and South Memphis, the largest number of citizens surveyed said they would be interested in a neighborhood watch program in their areas.<sup>7</sup> This is great news because studies show that

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<sup>6</sup> Memphis Police Department lists hundreds of neighborhood watch organizations throughout the community, many of them extremely active. Others might be more active with a helping hand.

<sup>7</sup> Compared to such things as job readiness programs, health fairs, or GED training. Youth programs came in a close second. Harris, Laura, *“Evaluation and Community Outreach Policing (COP): Summary Report of Evaluation Capacity*

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neighborhoods with organized watch or other community groups experience lower crime rates than those without such organizations. A 2008 meta-analysis of studies on the impact of neighborhood watch organizations found there was an overall reduction in crime in those areas.<sup>8</sup> Recognizing that neighborhoods are different, have different safety concerns and priorities, different geographic considerations, etc., these organizations must be tailored to and cognizant of these divergent needs. Of utmost importance is that these groups evolve organically and truly reflect the needs and desires of the citizens residing within their borders. The best path to that result is for these groups to be citizen-led, citizen-focused and provided with appropriate support and response by authorities, be it law or code enforcement, or the courts or prosecutors.

The DA, Memphis Police Department, Shelby County Sheriff's Office, City of Memphis, Shelby County, and the Crime Commission will team up with these neighborhood groups to expand engagement in crime prevention and maximize government responsiveness and accountability for action. The initiative will incorporate elements of models, including "police joint agencies" and "neighborhood watch," among others. The NSI will be piloted first in two police precincts, then expanded to all nine police precincts upon a preliminary evaluation indicating its effectiveness.

### **Key Objective Outcomes:**

- 1. Ensure that all neighborhoods in NSI geographic areas have effective neighborhood watch groups.**
- 2. Obtain a solve rate of at least 80% for citizen complaints brought through the NSI program by 2021.**
- 3. Reach an average turnaround time for resolving citizen complaints from NSI areas of no more than 30 days.**

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*Building Activities*" (September 2014, p.17). This research was funded by a grant from the U.S. Department of Justice, Office of Juvenile Justice Delinquency Prevention.

<sup>8</sup> Holloway, Katy, Trevor Bennett, and David P. Farrington, Crime Prevention Research Review No. 3, "Does Neighborhood Watch Reduce Crime?" Washington, D.C.: U.S. Department of Justice Office of Community Oriented Policing Services (2008). The authors cautioned, however, that there was a wide variety of results depending on methodology of analysis, and not all neighborhood watch organizations were effective. The plan for implementation in Shelby County will take the divergent needs of communities into account to avoid this pitfall.

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### **Objective A2: Establish a community prosecution model in targeted communities. (Key owner: District Attorney's Office)**

Another tool to bring better responsiveness to these citizen-led efforts is to engage with a community prosecution model. Community prosecution “seeks to involve neighborhood residents in identifying local public safety priorities and...developing and implementing strategies to address them.”<sup>9</sup> Based on the best practices exhibited in communities dating back to the 1990s and originating in Multnomah County, Oregon,<sup>10</sup> if implemented with fidelity, community prosecution has demonstrated a positive influence on reducing rates of violent and, to a smaller extent, property crime.<sup>11</sup>

Community prosecution enables representatives from the District Attorney's Office to fully enmesh themselves within specific areas of the city, taking responsibility for prosecution of all crime occurring in those geographic areas. While some models of community prosecution have started employing the model with less serious criminal offenses, experience has demonstrated that the model works well applied to prosecution of all levels of cases including major violent crime.<sup>12</sup> “[B]y immersing themselves in a particular neighborhood—its people, problems, and resources—[prosecutors] are better able to help law enforcement solve serious crimes, find cooperative witnesses, and create lasting solutions to difficult problems like gangs and high crime ‘hot spots.’”<sup>13</sup> This method can help improve the quality of cases brought for prosecution. Knowing the neighborhood, the local businesses, the faith leaders, and the people who live there can contribute to a better understanding on the part of the prosecutor and increase opportunities for community cooperation including a willingness to participate in the prosecution of cases. The prosecutor's presence can improve the process by which appropriate charges are brought for prosecution. Increased cooperation on the part of all participants can bring more and better data relating to community issues, and the prosecutor can more readily assess both problem properties and problem people engaged in criminal acts within the community.

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<sup>9</sup> Miles, Thomas J., “Does the ‘Community Prosecution’ Strategy Reduce Crime? A Test of Chicago’s Experience,” *American Law and Economics Review*, (August 14, 2013, p.5).

<sup>10</sup> Other communities that are successfully engaging in this model include Philadelphia, San Diego, and Phoenix, among many others. See, Bureau of Justice Assistance Bulletin (November 2002), *retrieved from* <https://www.ncjrs.gov/pdffiles1/bja/192826.pdf>. For an example of how community prosecution can be organized within a prosecutor's office, see, e.g., Sacramento County District Attorney's Office website at <http://www.sacda.org/communityrelations/community-prosecution/>.

<sup>11</sup> Miles, at pp.16-17.

<sup>12</sup> “Community Prosecution and Serious Crime,” Center for Court Innovation (January 2010), *retrieved from* [http://www.courtinnovation.org/sites/default/files/documents/CP\\_SC.pdf](http://www.courtinnovation.org/sites/default/files/documents/CP_SC.pdf).

<sup>13</sup> *Id.*, at p. 21.



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In fact, both the National District Attorneys Association and the Association of Prosecuting Attorneys are proponents of this model. NDAA has established the National Center for Community Prosecution. APA has partnered with the U.S. Department of Justice's Bureau of Justice Assistance and the Center for Court Innovation to focus on providing technical assistance to help prosecutors develop "the requisite skills to strengthen links between the criminal justice system and the community while promoting partnership building and encouraging problem-solving strategies."<sup>14</sup>

Under one model for Shelby County, the prosecutor might hold office hours at the precinct, outside of 201 Poplar. This enables the community and the law enforcement officers to know the prosecutor and vice versa, as outlined above. In another model, the prosecutor might remain at the DA's central office, but is still assigned criminal cases associated with the specific neighborhood, and would still spend time in the community to get to know its residents and business owners. Community prosecutors would likely engage in what is known as "vertical prosecution," that is, staying with a case through all stages of court proceedings.

The National Center mentioned above recommends adherence to these four key principles in implementing community prosecution:

1. Recognizing the community's role in public safety;
2. Engaging in problem solving;
3. Establishing and maintaining partnerships; and
4. Evaluating outcomes of activities.<sup>15</sup>

Community prosecution will also be an adjunct to the Neighborhood Safety Initiative (NSI) outlined in Objective A1. Prosecutors will participate in NSI neighborhood meetings, further integrating their role in the community and providing needed support to help move problem properties and problem people through the system in an appropriate way.

### **Key Objective Outcomes:**

- 1. Accelerate the disposition time for cases from the participating neighborhoods.**
- 2. Increase the number of productive Crimestoppers contacts within the participating neighborhoods.**

<sup>14</sup> <http://www.apainc.org/community-prosecution/> (n.d.).

<sup>15</sup> [http://www.ndaa.org/nccp\\_home.html](http://www.ndaa.org/nccp_home.html) (n.d.)

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### **Objective A3: Intensify problem-solving community policing through stronger police-citizen relations. (Key owners: Memphis Police Department, Shelby County Sheriff's Office, Crimestoppers)**

Mindful of the conversation taking place here and across the country, an increased effort to improve community-police relations is not a luxury, but a core necessity, of good police work. It contributes substantially to a sustained sense of community well-being. Community policing is one, but very important, part of those improved relations. Adopted as an integral practice by many police forces across the country, the Violent Crime Control and Law Enforcement Act of 1994 endorsed community policing at the federal level, ultimately resulting in creation of the federal Office of Community Oriented Policing Services (COPS), which provided long-range funding in support of its use throughout the country. "Community policing is a law enforcement philosophy, a way of thinking about improving public safety. ... [C]ommunity policing efforts can generally be grouped into three broad categories: organizational transformation, community partnership, and problem solving. ... By definition, a comprehensive community policing model permeates almost every aspect of a police department ..." <sup>16</sup>

Each requires the other: stronger police-citizen relations can be built through community policing efforts, but effective community policing necessitates strong relationships in the communities in which the police serve. According to a Bureau of Justice publication, "[l]aw enforcement must establish legitimacy in the communities they serve if trusting relationships are to be established. For communities, their leaders and representatives must collaborate with law enforcement and share responsibility for addressing the problems of crime...prevention in their neighborhoods." <sup>17</sup>

The Memphis Police Department is engaged in a community policing effort, both through training of patrol officers as well as a dedicated Community Outreach Program (COP) unit, which could be more robust. The Memphis Police Department COP unit has been effective. During the second Operation: Safe Community, as noted earlier, the Memphis Police Department Community Outreach Program (COP) officers conducted surveys relating to citizen complaints and satisfaction in two areas where the COP unit was active, South Memphis and Frayser. More than 74% of residents surveyed reported they were somewhat or very satisfied with their neighborhoods overall,

<sup>16</sup> Lawrence, Sarah and McCarthy, Bobby, "What Works in Community Policing?" (November 2013), retrieved from [https://www.law.berkeley.edu/files/What\\_Works\\_in\\_Community\\_Policing.pdf](https://www.law.berkeley.edu/files/What_Works_in_Community_Policing.pdf).

<sup>17</sup> Wasserman, Robert, "Guidance for Building Communities of Trust," U.S. Department of Justice, Office of Community Oriented Policing Services, (July, 2010, p.3), retrieved from [https://nsi.ncirc.gov/documents/e071021293\\_BuildingCommTrust\\_v2-August%2016.pdf](https://nsi.ncirc.gov/documents/e071021293_BuildingCommTrust_v2-August%2016.pdf).

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and more than 80% rated police services as good, very good, or excellent.<sup>18</sup> Both of these communities have higher violent crime rates than many other parts of the city, and the COP unit is part of a long term strategy to help reduce crime in those neighborhoods. The current Memphis Police Department COP unit became active in 2012. As executed by the Memphis Police Department, community policing encompasses more than the police department sponsoring community events to build good will. It includes officers out of patrol cars and on the ground, establishing important relationships that help prevent and solve crime. Memphis Police Department officers “address the problems in the target areas through a three prong (sic) approach: identification, enforcement and education.”<sup>19</sup>

Although the survey conducted in 2014 is some evidence of good will built through community policing, there is much more that can be done to improve community relations with the police department, both within these neighborhoods and elsewhere, and, at the same time, view these efforts through the practical and empirical lens of actual crime reduction in these communities.<sup>20</sup> Concordant efforts, for example, the department’s Clergy Academy, enhance this mission of building strong relationships with the community through faith-based initiatives.<sup>21</sup>

Citizens deserve safe communities, and both citizens and law enforcement deserve respect. Memphis has not been immune to controversial police action. However, through these ongoing community policing activities in certain portions of the city, Memphis has also laid some very important groundwork, and these efforts need to be both applauded and expanded.

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<sup>18</sup> Harris, (September 2014, p.13).

<sup>19</sup> Retrieved from <http://www.memphispolice.org/initiatives.asp>.

<sup>20</sup> Although some research has questioned a direct causal relationship between implementation of community policing and crime reduction (*see, e.g.,* <http://link.springer.com/article/10.1007%2Fs11292-014-9210-y>), it remains an important component of proven positive interventions such as “problem-oriented policing, hot spots policing, and focused deterrence approaches,” Obbie, Mark, “*Tackling Violent Crime: What Works, What Doesn’t?*” The Crime Report (August 11, 2016), retrieved from <http://thecrimereport.org/2016/08/11/gun-violence-what-works-what-doesnt/>, quoting Braga, Anthony, <https://www.hks.harvard.edu/programs/criminaljustice/research-publications/executive-sessions/executive-session-on-policing-and-public-safety-2008-2014/publications/crime-and-policing-revisited>. Furthermore, fidelity to community policing as a department-wide philosophy rather than to a more limited in scope execution, has demonstrated more of an impact with “measurable reductions in crime.” See, Lawrence and McCarthy (2013).

<sup>21</sup> The Memphis Police Department Clergy Academy, established in 2011, is a five-week program that “emphasize[s] some of the most common law enforcement and crime related issues...impact[ing] clergy and their congregations.” Retrieved from <http://www.memphispolice.org/initiatives.asp>.



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### Key Objective Outcomes:

1. Increase the number and percentage of productive Crimestoppers contacts.<sup>22</sup>
2. Increase the number and percentage of citizen-initiated tips/complaints that result in charges being filed.

### Objective A4: Expand Safeways' intensive crime prevention program for Shelby County apartment communities. (Key owner: Safeways, Inc.)

Through August of 2016, apartments accounted for 19% of reported crime in Shelby County for the calendar year. Apartments accounted for 15% of non-DV violent crime, 12% of property crime, and 25% of domestic violence offenses.<sup>23</sup> Reducing the number of crimes committed in apartment communities will not only improve the safety and quality of life for apartment residents, but will free up limited law enforcement resources to engage in proactive policing throughout the county.

Safeways is a Memphis-based nonprofit 501(c)(3) organization that helps Shelby County apartment owners and managers of apartment communities reduce crime and improve the quality of life for their residents. Working with owners, managers and residents, the Memphis Police Department, and other governmental, nonprofit, and community organizations, Safeways achieves its objectives through:

- Improving the amount and quality of information about crime and calls for police available to property management and security personnel;
- Increasing communication and engagement between residents, management, security, and law enforcement;
- Strict enforcement of the Shelby County District Attorney's Anti-Trespass Program on Safeways client sites;
- Educating property management and staff on place management best practices that reduce crime;
- Providing connectivity to social and other service providers (such as the Family Safety Center) for apartment residents in need; and
- Remediating physical conditions on and around apartment communities which foster and facilitate criminal activity.

<sup>22</sup> "Productive," for purposes of tip line calls, means those calls that provided solid information, regardless of whether the call resulted in an actual arrest. Often, multiple calls may be received with the same or similar information. They would all be considered "productive."

<sup>23</sup> Crime data from Memphis Police Department, *provided by Safeways, Inc.*

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The primary tool utilized by Safeways to address risk conditions on a property is “Crime Prevention through Environmental Design” (CPTED). CPTED’s foundational principle is that the physical environment influences human behavior. Strategic changes to the physical environment to increase visibility, reduce isolation, control boundaries, and project “territoriality” help prevent or reduce crime by eliminating or limiting opportunities for criminal acts to be committed. CPTED has long been recognized as an effective problem-oriented policing strategy, and it remains a hot topic in the sustainable development and “new urbanism” movements.<sup>24</sup> Multiple studies have shown that CPTED strategies reduce burglaries, as well. A 2012 study also found that CPTED is one of the most effective mechanisms to reduce fear of crime among citizens.<sup>25</sup> Reduced fear of crime leads to enhanced quality of life.

Safeways clients may choose from a variety of available consulting and information services, such as one-time or short-term inspection, statistical reporting, or consultation. However, Safeways’ most popular service – proven to reduce crime – is the Safeways Certification Program. Certified properties and applicants receive regular detailed reports and in-depth analysis of all criminal activity on site, along with tracking of trespassers, assistance with neighborhood watch, and regular site visits and inspections, in addition to other services. Each property is subjected to an extensive exterior physical inspection – focused on crime prevention – along with a detailed lighting survey and review of security measures already in place. Place management policies and procedures are also reviewed, and a list of certification requirements and professional recommendations is generated. Once all certification requirements are met, a Safeways sign is installed on site, and the property may advertise its status as a “Safeways-certified Community.” Certification standards must be maintained continuously, and re-inspection and re-certification occurs annually. While a property is certified or in process, the client receives the full range of Safeways services.

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<sup>24</sup> In 2007, the US. Department of Justice’s Office of Community Oriented Policing Services released “*Using Crime Prevention through Environmental Design in Problem-Solving*” as a part of its Problem-Oriented Guides for Police Problem Solving Tools Series. A 2000 study published in the American Journal of Preventive Medicine (“*Effectiveness of Crime Prevention through Environmental Design (CPTED) in Reducing Robberies*,” by C. Casteel and C. Peek-Asa, (May 2000, p.18 (4):99-115), found that CPTED was an effective approach to reducing robberies. Multi-component CPTED programs saw robberies decline by between 30 and 84 percent.

<sup>25</sup> Sakip, S.R.M., N. Johari, et al., “*The Relationship between Crime Prevention through Environmental Design and Fear of Crime*,” *Procedia-Social and Behavioral Sciences* (2012, 68:628-636.)



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### Key Objective Outcomes:

1. Expand Safeways inspection/consultation services to at least 50 % of 100+ unit properties by 2021.
2. Expand from the current 8% to at least 30% of 100+ unit properties participating in the Safeways certification program by 2021.
3. Reduce the level of reported crime in participating properties by at least 25% (compared to the level of reported crime prior to their enrollment) by 2021.

### ***GOAL B. Strengthen law enforcement's ability to reduce violent street crime.***

#### Key Goal Outcomes:

1. Reduce reported gun crime by at least 30% by 2021.
2. Reduce the rate of aggravated assaults by at least 30% by 2021.
3. Reduce the rate of murders by at least 30% by 2021.
4. Reduce the rate of robberies by at least 30% by 2021.

(These Goal B outcomes contribute to the target of reducing the major violent crime rate by at least 30%.)

### **Objective B1: Clarify and resolve shortages in law enforcement staffing. (Key owners: Memphis Police Department, Shelby County Sheriff's Office)**

The Memphis Police Department is budgeted for a complement of 2,304 sworn officers but currently has approximately 1,980. The understaffed force means overtime is over-used to meet basic coverage needs and is putting a strain on officers and the budget. Optimal policing is simply not possible with this degree of understaffing. The Memphis Police Department and the City of Memphis will prioritize resources and initiate innovative new recruiting and staffing strategies – including an expanded Police Service Technician (PST) program. A zero-based staffing assessment with outside consulting support will be completed to confirm the optimal staffing allocations and complement size which Memphis Police Department leadership currently estimates is 2400-2500.

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The Shelby County Sheriff's Office will also conduct a zero-based staffing assessment to confirm ideal complement size. Currently the Shelby County Sheriff's Office is budgeted for a complement of 829 deputy sheriffs and 1,151 correctional deputies, for a total of 1,980. It estimates needing a complement of 857 deputy sheriffs and 1,191 correctional deputies, for a total of 2,048.

However, even in advance of any zero-based study, it is clear that the Memphis Police Department staffing needs expansion. For example, homicide investigators in Memphis are handling well above the national average of cases per investigator. An FBI study of 2008 noted the average homicide investigator handles five new investigations per year; Memphis investigators have been assigned as many as 15. The Memphis Police Department is also clearing homicides at a rate exceeding the national average. The average clearance rate in 2014 across the U.S. was 64.5%;<sup>26</sup> Memphis has solved 74% of the 2016 homicides as of early September.<sup>27</sup> While some short-term needs might be addressed through implementation of internal reorganization, there is an outright, clear need for more personnel. And more law enforcement resources need to be available to focus specifically on gang-affiliated violent crime.

### Key Objective Outcomes:

1. **Achieve the current level of funded complement in the Memphis Police Department by 2020.**
2. **Achieve the current level of funded complement in the Shelby County Sheriff's Office by 2020.**
3. **Achieve assessment-based ideal complements in both agencies by 2021.**

**Objective B2: Use additional law enforcement staffing, technology, and other resources to expand data-driven, proactive policing. (Key owners: Memphis Police Department, Shelby County Sheriff's Office)**

Good data/intelligence is the foundation of successful policing. Research has proven that when police resources are focused on hot spots and high risk offenders based on good data, crimes can be more successfully prevented, interrupted, and solved.<sup>28</sup> While strategic deployment of limited

<sup>26</sup> FBI crime data, retrieved from <https://ucr.fbi.gov/crime-in-the-u.s.-2014/offenses-known-to-law-enforcement/clearances/browse-by/national-data>.

<sup>27</sup> Memphis Police Department data.

<sup>28</sup> Braga, Anthony A. and Weisburd, David L., "Focused Deterrence and the Prevention of Violent Gun Injuries: Practice, Theoretical Principles, and Scientific Evidence," Annual Review of Public Health, Vol. 36: 55 -68 (March 2015).

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resources has become all the more critical given local law enforcement staffing shortages, more fully engaging with proactive policing will undoubtedly require the increase in complements set forth as Objective B1.

Given available resources, law enforcement should allocate a significant portion to enhanced intelligence gathering and analysis. Proactive policing, at its best, uses sophisticated data analysis to understand and anticipate crimes and deploys officers based on that data to prevent, interrupt, and solve crimes. It is the opposite of simply responding to calls for service. Officer deployment should be based on such a proactive policing model.

Memphis and Shelby County have been engaged in data-driven policing for a number of years. Part of OSC-1 was the expansion of this methodology through use of increased resources including upgraded technology and increased personnel with the Memphis Police Department. This approach was very successful and was widely seen as a key contributor to the reduction in crime during the first OSC plan.<sup>29</sup> Technology allows the Memphis Police Department “to receive instant information on recent criminal activity in a radius around a crime, existing crime patterns in the neighborhood, and a history of people with arrest records who may frequent the area.”<sup>30</sup> The Shelby County Sheriff’s Office also engages data-driven technology through its Data Smart Policing unit, also launched as part of OSC-1. With the advent of ever more advanced technologies a decade since that time, including a recently enhanced Real Time Crime Center, for example, it is time for focused re-investment of time and resources to proactive policing.

### **Key Objective Outcome:**

- **Increase enforcement of weapons laws violations and felony drug violations by at least 15% by 2021.**

### **Objective B3: Enhance law enforcement training to better serve the community. (Key owners: Memphis Police Department, Shelby County Sheriff’s Office)**

The Memphis Police Department and the Shelby County Sheriff’s Office will review and update policies and training on practices such as use of force, searches and seizures, and detention of individuals based on reasonable suspicion, as recommended by the President’s Task Force on 21<sup>st</sup> Century Policing. Up-to-date and continual training of law enforcement personnel is important to

<sup>29</sup> Blue C.R.U.S.H. (Crime Reduction Using Statistical History) employed technology to enhance crime analysis and was one of the more visible elements of proactive policing during this time period.

<sup>30</sup> Memphis Police Department Real Time Crime Center, *retrieved from* <http://www.memphispolice.org/rtcc.asp>.



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insuring the ability of prosecutors to pursue prosecutions successfully. The task force specifically addressed opportunities for the law enforcement community to help implement the task force recommendations, among them training in the areas noted, as well as engaging the community and police unions in this process.<sup>31</sup> Among specific recommendations, the task force included training on use of force, de-escalation techniques, alternatives to arrest, examining hiring practices to better involve the community in recruiting new officers, and ensuring that officers have access to the tools that will keep them safe, such as bulletproof vests and tactical first aid kits and training.<sup>32</sup>

Additionally, as discussed in Objective A3, community policing requires improved community-law enforcement relations. Improved, culturally competent training of law enforcement personnel can be a cornerstone of moving in the direction of these improved relations. “Constructively engaging the community to address the problems of crime and disorder that threaten quality of life relies on the development of relationships that are based on understanding divergent cultures, respecting individuals and their perspectives, and listening to community priorities and norms.”<sup>33</sup> For example, Milwaukee’s Blue Ribbon Commission on Police-Community Relations found that “cultural awareness training fostered ‘good relationships and effective policing.’”<sup>34</sup>

### **Key Objective Outcome:**

- **Increase awareness by law enforcement officers of proper practices and standards in key enforcement areas guided by the implementation plan of the President’s Task Force on 21st Century Policing.**

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<sup>31</sup> The task force also made recommendations for local government and communities in general. Many of these recommendations are reflected in other segments of the OSC-3 plan, for example, surveys regarding community attitudes toward policing, allocation of government resources, and citizen participation “in problem-solving efforts to reduce crime and improve quality of life.” Clergy initiatives, already employed locally, such as the Clergy Academy, are an additional tool in implementing these recommendations. See, Implementation Guide, The President’s Task Force on 21<sup>st</sup> Century Policing, *retrieved from* [http://www.cops.usdoj.gov/pdf/taskforce/Implementation\\_Guide.pdf](http://www.cops.usdoj.gov/pdf/taskforce/Implementation_Guide.pdf).

<sup>32</sup> *Id.*

<sup>33</sup> Wasserman, *at* p.13.

<sup>34</sup> “Cultural Awareness Trainings,” Report of Police Conduct Oversight Commission, City of Minneapolis, (November 2014, p. 6), *citation omitted, retrieved from* <http://www.ci.minneapolis.mn.us/www/groups/public/@civilrights/documents/webcontent/wcms1p-133798.pdf>

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**Objective B4: Enhance the use of intelligence and data-gathering to reduce gang violence. (Key owner: Multi-Agency Gang Unit, including the Memphis Police Department, Shelby County Sheriff's Office, District Attorney's Office, U.S. Attorney's Office, and Federal Bureau of Investigation)**

Gang activity and crimes committed by gang-affiliated offenders constitute a large percentage of violent street crime. Of the 156 homicides<sup>35</sup> committed in 2016 by September 10, 40% of the victims were gang members, and 17% involved suspects who were gang members.<sup>36</sup> Additionally, 14% of these homicides were also classified as gang-motivated.<sup>37</sup> Some incidents are classified as gang-related, meaning simply that gang members were involved although the motives were not necessarily related to gang business. The 2016 data thus reflects that gang members feature prominently across the total number of murders, be it as perpetrator or victim. Aggravated assaults and robberies are also impacted, with 8.4% of the aggravated assaults and 16.7% of the robberies in Memphis being committed by three or more offenders acting in concert, during the time period January-August 2016.<sup>38</sup>

The Multi-Agency Gang Unit (MGU), created as an initiative of OSC-2 in 2012, is a task force including the Memphis Police Department, the Shelby County Sheriff's Office, the FBI, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), as well as on a part-time basis, the U.S. Marshal Service, Shelby County District Attorney's Office, U.S. Attorney's Office for the Western District of TN, Shelby County Sheriff's Office of Homeland Security, TN Department of Correction, and U.S. Department of Homeland Security/Immigration and Customs Enforcement. Together, these agencies work to investigate then prosecute incidents involving gangs with a focus on guns and drugs. The MGU oversees investigations for petitioning the Environmental Court for injunctive relief within certain geographic areas, so-called "gang injunctions."

This objective is designed to provide intensive focus on gang violence. Reducing the impact of gangs may also require that law enforcement develop a more complete understanding of what constitutes "gang-related" violence as well as integration of a deeper well of gang knowledge throughout the police department.<sup>39</sup> This may be done through renewed attention on increasing the ranks of the Gang Response Team (GRT) to be more responsive across more shifts, and exploration of whether

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<sup>35</sup> Homicides includes those considered criminal (murder) and others.

<sup>36</sup> Memphis Police Department Homicide Bureau report, September 10, 2016.

<sup>37</sup> Memphis Police Department Homicide Bureau report, September 16, 2016.

<sup>38</sup> Memphis Police Department "3 or More" Report, August 2016. The "3 or More" Report tracks data relating to crime committed by 3 or more persons acting in concert as a method of measuring gang crime.

<sup>39</sup> See, "3 or More" Report.



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the lengths of rotation into the unit could be lengthened to help more efficiently utilize gained knowledge.

### **Key Objective Outcomes:**

- 1. Reduce the number of aggravated assault and robbery incidents committed by three or more offenders by at least 20% by 2021.**
- 2. Increase the number of enforcement actions (such as drug houses closed and gang injunctions).**

**Objective B5: Effectively implement a “Group Violence Intervention” (GVI) model in which multiple law enforcement and prosecution agencies team up with community members and social service providers to deliver a “carrot and stick” approach to curbing gang-affiliated gun violence. (Key owner: Multi-Agency Gang Unit, including the Memphis Police Department, Shelby County Sheriff’s Office, District Attorney’s Office, U.S. Attorney’s Office, and Federal Bureau of Investigation)**

Right now, Memphis has a gun problem and a gang problem. According to data compiled by Project Safe Neighborhoods (PSN), a law enforcement initiative designed to curb gun violence, Memphis experienced an increase of 11.4% in total crimes involving firearms since last year.<sup>40</sup> Many of these gun crimes are perpetrated in connection with gang activity or by gang members. Reducing gun and gang violence requires concentrated effort.

Pioneered as “Operation Ceasefire” in Boston during the 1990s, these “group violence intervention/focused deterrence” strategies have acquired a strong formal evaluation record.<sup>41</sup> When implemented correctly, they have repeatedly demonstrated that gun violence can be dramatically reduced “when a partnership of community members, law enforcement, and social service providers directly engages with the small and active number of people involved in street gangs and clearly communicates a credible moral message against violence, prior notice about the

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<sup>40</sup> PSN Year-to-date data, August 2016 compared to August 2015. Notably, the total gun crime year-to-date for August 2016 compared to the initial baseline year for Operation: Safe Community of 2006 is 27.8% lower. However, levels in gun crime have been increasing since 2011, year to year. (Data reported here excludes justifiable homicides.)

<sup>41</sup> Braga, Anthony A. and Weisburd, David L., “*Focused Deterrence and the Prevention of Violent Gun Injuries: Practice, Theoretical Principles, and Scientific Evidence*,” Annual Review of Public Health, Vol. 36: 55 -68 (March 2015).

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consequences of further violence, and a genuine offer of help for those who want it.”<sup>42</sup> The GVI approach reflects a public health sensibility to solving chronic community violence issues. Public health models involve: “(a) a focus on prevention, (b) a focus on scientific methodology to identify risks and patterns, and (c) multidisciplinary collaboration to address the issue(s).”<sup>43</sup> As a recent example, after identifying the most violent gangs responsible for New Haven’s surge in shootings, the city’s police conducted a series of call-ins to issue warnings to gang members while offering help with housing, drug counseling, and job training. In the program’s first three years, based on this “carrot and stick” approach, the city saw monthly shootings drop, on average, nearly 73%.

The GVI initiative is similar to one employed in New York City. These models involve not just the gang member, but seek to address family needs that might impact an individual’s decision to be involved in a gang in the first place. Understanding the various reasons why youths join gangs is critical and helps inform the possible remedies for individuals. Additionally, law enforcement may reach out to adult gang members in an effort to convince them to release a youth from the gang. The Memphis Shelby County Multi-Agency Gang Unit, including District Attorney, U.S. Attorney, Memphis Police Department and Shelby County Sheriff’s Office, will join with community groups to implement, track, and measure the effects of GVI across Shelby County.

### Key Objective Outcomes:

- 1. Reduce youth (ages 24 and under) homicides (perpetrators and victims) by at least 30% by 2021.**
- 2. Reduce aggravated assaults involving firearms by at least 30% by 2021.**
- 3. Reduce calls for service for shots fired by at least 30% by 2021.**

**Objective B6: Expand efforts to reduce crimes with guns through (1) strengthening state penalties involving illegal possession of guns, (2) enforcing both federal and state gun laws effectively, and (3) communicating to the street level the consequences of engaging in gun crime. (Key owner: Crime Commission)**

<sup>42</sup> National Network for Safe Communities, John Jay College of Criminal Justice, “Proven Strategies for Reducing Violence and Strengthening Communities,” (n.d., p.11).

<sup>43</sup> Braga and Weisburd, (2015, p. 58-59), citing Inst. Med., “Violence Prevention in Low- and Middle-Income Countries: Finding a Place on the Global Agenda: Workshop Summary,” Washington, DC: Natl. Acad. Press (2008).

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The Memphis Shelby Crime Commission will support the introduction of legislation in the Tennessee General Assembly to address the problem of illegal possession of guns by those with criminal records and help garner support for the legislation from across the state.

Research nationally and locally has demonstrated that policies and practices designed to hold offenders accountable, coupled with conveying the consequences to potential offenders, can have a significant impact on the crime rate.<sup>44</sup> For example, the federal-state-local crackdown on violent gun crime known as Project Safe Neighborhoods (PSN), when coupled with the DA's no plea bargaining policy for the most serious gun crimes and accompanying communication campaign (Gun Crime = Jail Time), had a dramatic effect on reducing gun crime, in large part by addressing illegal possession of guns by those with criminal records. The strength of that effort, however, relied heavily on federal law and its tougher penalties, since state law is still not as strong as it needs to be in this area. There aren't enough federal resources currently to deal with all illegal gun possession cases. We need tougher state laws to allow the DA to effectively prosecute in state court convicted felons in possession of guns. Additionally, a new communication campaign needs to be part of this effort.

### **Key Objective Outcomes:**

- 1. Legislation to enhance sentences for felons convicted of being in possession of firearms is enacted and implemented.**
- 2. Shelby County residents reflect increased public awareness of these enhanced state gun crime penalties.**

## ***GOAL C. Strengthen intervention programs for ex-offenders.***

### **Key Goal Outcome:**

- Reduce the rate of re-incarceration of offenders released to Shelby County by at least 30% by 2021.<sup>45</sup>**

**(This Goal C outcome contributes to the target of reducing the overall crime rate by at least 25%.)**

<sup>44</sup> See, e.g., Braga and Weisburd (2015).

<sup>45</sup> This outcome will be measured by both "return" and recidivism rates. Return rates mean a return to incarceration within one year of release; recidivism measures this outcome within three years of release.



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**Objective C1: In order to increase their chances of breaking the cycle of crime, implement a jobs program for high-risk ex-offenders that adds a transitional work feature to the more traditional program elements of job placement, life skills and mental health support. (Key owners: Memphis and Shelby County Office of Re-entry, Workforce Investment Network)**

If the employment needs of persons with criminal convictions are addressed at their most vulnerable point—when they are first released from incarceration or soon after conviction—by providing life skills education, short-term paid transitional employment, full-time job placement and post-placement support services and mental health services, they will be less likely to become re-incarcerated and more likely to build a foundation for a stable, productive life for themselves and their families. Because high-risk ex-offenders are those most likely to have difficulty finding employment, and because they are also likeliest to commit more crimes if they are not stewarded to a productive life, a special focus on their needs – especially transitional employment – is needed. The Memphis and Shelby County Office of Re-Entry (MSCOR) will partner with Workforce Investment Network (WIN) to launch a new program using a proven model with a provider having a sound track record for success with high risk offenders. Such programs have, in other communities, yielded remarkable results.<sup>46</sup> Not only were a higher number of ex-offenders successful in obtaining permanent employment and retaining it for a longer period of time, but re-arrests and recidivism rates also were lower for these participants compared to a control group.<sup>47</sup>

### Key Objective Outcomes:

- 1. Reduce the number of convicted felons participating in MSCOR job programming who are re-incarcerated within one year by at least 25% and three years by at least 50% by 2021.**
- 2. At least 90% of participating ex-offenders are placed into permanent jobs.**
- 3. At least 60% of participating ex-offenders will maintain a permanent job after 6 months and at least 50% after one year.**

<sup>46</sup> The Center for Employment Opportunity, for example, reports similar results from their work in New York City with more than 4,300 participants as those reflected in our target outcomes.

<sup>47</sup> MDRC (2012), *More than a Job: Final Results from the Evaluation of the Center for Employment Opportunities (CEO) Transitional Jobs Program*, OPRE Report 2011-2018, Washington, DC: Office of Planning and Evaluation, Administration for Children and Families, US Department of Health and Human Services.

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### **Objective C2: Effectively implement the state's new system of “swift, certain and fair” administrative sanctions in lieu of incarceration for violating certain conditions of probation or parole. (Key owner: TN Department of Correction)**

Of the 12,588 people entering state prison last year, 5,061 – or 40 percent – were probationers or parolees sent to prison because they violated supervision conditions.<sup>48</sup> Human behavior research across many decades indicates that an immediate response to behavior is always more effective than a delayed response.<sup>49</sup> Any response that requires secure confinement can have negative consequences on positive supports an offender has in the community. Even a short period of detention or incarceration can cause offenders to lose jobs, housing, or custody of their children. Additionally, confinement is significantly higher cost to taxpayers. The “Swift, Certain, and Fair (SCF)” approach to community supervision reduces reoffending, arrest, and incarceration by replacing unpredictable and high-level sanctions for probation and parole violations with swift, certain, but proportionate penalties.

Enacted by the TN General Assembly, the Public Safety Act of 2016 included a retooling of community supervision to reduce the number of people returning to prison for probation and parole violations when their noncompliance does not rise to the level of a new criminal offense. Specifically, the Tennessee Department of Correction (TDOC) has a robust sanctions matrix that provides a range of sanctions for violations that officers can quickly impose. These community-based sanctions are now the preferred response when offenders violate the terms of their supervision. The partners of the Crime Commission will work with TDOC, judges, probation and parole officers and others to promote and ensure the effective implementation of this new system of swift, certain and fair administrative sanctions in Shelby County.

#### **Key Objective Outcomes:**

- 1. Reduce the number of individuals from Shelby County incarcerated for violating conditions of probation or parole by at least 25% by 2021.**
- 2. Of those on probation or parole in Shelby County, reduce the percent convicted of a new felony within a year and within 3 years of when their supervision began by at least 30% by 2021.**

<sup>48</sup> Final Report of the Governor’s Task Force on Sentencing and Recidivism (September 2015).

<sup>49</sup> See, e.g., Paternoster, R., “Decisions to Participate in and Desist From Four Types of Common Delinquency: Deterrence and the Rational Choice Perspective,” *Law and Society Review* 23: pp. 7-40 (1989), abstract retrieved from <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=116884>.



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### ***GOAL D. Enhance domestic violence prevention and intervention efforts.***

#### **Key Goal Outcome:**

- Reduce reported domestic violence incidents by at least 25% by 2021.

(This Goal D outcome contributes to the target of reducing the major violent crime rate by at least 30% and the overall crime rate by at least 25%.)

#### **Objective D1: Evaluate and expand the success of the Family Safety Center in reducing re-victimization. (Key owners: Family Safety Center, Crime Commission)**

Domestic violence offenses comprise a large percentage of all of major violent crime measured within our community. In order to reduce overall crime, including major violent crime, domestic violence occurrences must also decrease. Unlike other offense areas, DV involves relationships, often intimate ones where housing and childcare responsibilities are shared. Close attention must, therefore, be provided to victims of domestic violence. The Shelby County Family Safety Center (FSC), based on a recognized best practice in the prevention and intervention of domestic violence, is a safe “one stop” place where victims of domestic violence can receive help, advice, and access to more than 40 agencies offering civil, criminal, health, and social services.<sup>50</sup> Opened in 2012, its mission is to “effectively combine civil, criminal, health and social services for victims of family violence in one location.”<sup>51</sup> This centralized approach allows families to get the help they need to avoid further victimization and bring their perpetrators to justice.

Family Safety Center houses many of the services needed by victims within their own facility. Currently, 10 of their 31 servicing agencies are on site. Specially trained navigators assist a victim and her/his family with determining their needs and next steps. This includes help in obtaining orders of protection, emergency and transitional housing, health services including safety planning and counseling, spiritual support, translation services, and legal assistance. These and other components of services provided by FSC are seen as necessary to improving outcomes for victims and reducing re-victimization.

<sup>50</sup>The FSC is one of many Family Justice Centers across the country, as recognized through Title I of the Violence Against Women Act (VAWA 2005). These centers use a “wraparound” service delivery model.

<sup>51</sup> <http://familysafetycenter.org/mission-and-vision/>.

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Evaluation of success in the context of domestic violence cases can be challenging given the nature of the crime. Victims may be re-victimized by a different person, while a perpetrator may victimize more than one person. The leadership of the FSC is continually developing new measurements and recently adopted some revised methods of data collection. FSC is further committed to undergoing an outside evaluation of its impact and then to raising funds to meet identified needs. Outcomes may be modified based upon the results of this evaluation process.

### **Key Objective Outcomes:**

- 1. Reduce the percentage of FSC clients experiencing re-victimization by at least 20% by 2021.**
- 2. Increase the percentage of FSC clients obtaining permanent orders of protection by at least 30% by 2021.**

**Objective D2: Effectively implement a “domestic violence initiative (DVI)” model in which multiple law enforcement agencies team up with community members and social service providers to deal with repeat domestic violence offenders with a “carrot and stick” model. (Key owner: District Attorney’s Office)**

Unlike the victim-centered Family Safety Center, the Domestic Violence Initiative (DVI) focuses on the offender and has shown promising reductions in domestic violence in a few communities, including High Point, NC and Stearns County, MN.<sup>52</sup> For example, prior to implementation of the model in 2011, High Point was experiencing three to five intimate partner homicides each year. Since implementation over the past five years, there have been two such homicides total. Re-arrest rates for domestic violence have also fallen dramatically.<sup>53</sup> With a carrot and stick approach, a partnership of law enforcement, prosecutors, community members, social service providers, and domestic violence victims’ advocates put repeat DV offenders on notice – through a letter, an in-person notification by an arresting officer, or a community “call-in” -- of community intolerance for domestic violence and that further and more serious offending will be met with a strong response.

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<sup>52</sup> Although these communities are smaller than Memphis and Shelby County, the focused principles employed can be applied here through a graduated roll-out.

<sup>53</sup> Buntin, John, “How High Point, N.C., Solved Its Domestic Violence Problem,” *Governing* (March 2016), retrieved from <http://www.governing.com/topics/public-justice-safety/gov-domestic-violence-focused-deterrence.html>.

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Research conducted in connection with the High Point model has shown that offenders committing domestic violence are not qualitatively different from other violent offenders. A review of 10 years of intimate partner violence data in their community demonstrated that repeat offenders also had lengthy criminal histories involving other offenses, with an average of 10 other arrests. Assault was the predominant charge.<sup>54</sup> Therefore, this model, used successfully in the context of reducing gun violence (see Objective B5, above), can also succeed with those committing DV if properly implemented. The model also takes special steps to remove from the community the most dangerous domestic violence offenders, who tend also to commit other serious crimes at relatively high rates. The DA will coordinate law enforcement, community partners and social service providers to implement the DVI, beginning in select neighborhoods.

### **Key Objective Outcome:**

- **Reduce the number of offenders with prior domestic violence convictions by at least 25% by 2021.**

## ***GOAL E. Enhance interventions for juveniles committing delinquent acts.***

### **Key Goal Outcome:**

- **Reduce the number of juveniles committing delinquent acts by at least 30% by 2021.<sup>55</sup>**

**(This Goal E outcome contributes to the target of reducing the overall crime rate by at least 25%.)**

**Objective E1: Establish a juvenile assessment center (JAC) to provide needs assessments and appropriate interventions for non-violent juvenile offenders (both delinquent and status offenders) rather than automatically involving them in the criminal justice system. (Key owner: Shelby County)**

<sup>54</sup> "A Different Response to Intimate Partner Violence," (September 2014), retrieved from [https://cops.usdoj.gov/html/dispatch/09-2014/a\\_different\\_response\\_to\\_ipv.asp](https://cops.usdoj.gov/html/dispatch/09-2014/a_different_response_to_ipv.asp).

<sup>55</sup> "Juveniles" are those youth who have committed an offense prior to their 18<sup>th</sup> birthday.



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Approximately 7,000 juveniles engaged with the juvenile justice system in Shelby County in both 2014 and 2015. While most youth are neither violent<sup>56</sup> nor likely to return to the system, evidence suggests that contact with the court system can enhance the likelihood of escalating behaviors.<sup>57</sup> Shelby County has substantially reduced the numbers of youth transported to and/or detained at juvenile court. However, this “catch and release” system is frustrating to both law enforcement and the general public. These youth are still eventually processed as juvenile offenders, and law enforcement is still spending inordinate hours processing these youth, even for status offenses such as curfew violations. This is not the best use of limited resources nor are the outcomes necessarily the most beneficial to youthful offenders, their families, or the community at large.

Based on the best practices Miami/Dade County model, the juvenile assessment center (JAC) will unburden law enforcement by creating a drop off point where the needs of nonviolent juvenile offenders and their families can be triaged. It will allow for creation of a compliance program similar to diversion focused on wraparound services and restorative justice principles, but handled outside of the jurisdiction of the juvenile court. Compliance with the JAC program will enable a youth to avoid all contact with the juvenile justice system.

*This plan may require legislative action to allow for implementation of a pilot project in Shelby County, as the juvenile court has exclusive jurisdiction over all juvenile delinquency matters.* The Memphis Shelby Crime Commission and partners will work to enact any needed legislation to help create the JAC. Additionally, the process of developing an effective, working model will necessitate careful planning involving a broad cross-section of community agencies, authorities, research institutions, and other entities. It is anticipated this planning process will comprise a healthy portion of the early years of this objective.

Expected benefits (as realized in Miami) include:

- More youth will be triaged to reveal underlying issues leading to delinquent behaviors.
- Offending youth will have swift, sure, and measured repercussions for their behaviors.

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<sup>56</sup> Various jurisdictions may define “violent” and “non-violent” offenses differently. This plan employs the definitions reflected by FBI reporting standards, i.e., Part I major violent crimes as murders, rapes, robberies, and aggravated assaults.

<sup>57</sup> Mahoney, Anne R., “The Effect of Labeling upon Youths in the Juvenile Justice System: A Review of the Evidence,” Law & Society Review, Vol. 8 (Summer, 1974), pp. 583-614. “The common sense notion that stigma results from court contact has been legitimated by its transformation into a ‘theory.’” (Mahoney, at p. 583). (“Labeling theory” essentially states that if a youth is declared “delinquent,” the child may be seen by the outside world as such and may come to see him or herself in the same way. As that unfolds, the “avenues to law-abiding behavior begin to close for the youth as he (sic) is pushed toward the outer boundaries of the ‘acceptable’ community.” (Id., at p.585). See, also, Liberman, Akiva, Kirk, David, and Kim, KiDeuk, “Labeling Effects of First Juvenile Arrests: Secondary Deviance and Secondary Sanctioning,” (February 2014), retrieved from <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413274-Labeling-Effects-of-First-Juvenile-Arrests-Secondary-Deviance-and-Secondary-Sanctioning.PDF>.

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- Law enforcement officers are provided an option to remove the youth from the street or location, rather than catch and release, and spend less time in transfer.
- Savings are seen through less law enforcement overtime as they get back on patrol quickly.
- Public perception that nothing is done about offending youth may be positively impacted.
- If fidelity to process is observed, more youth and families will receive meaningful services, thereby improving lives and strengthening communities.
- Disproportionate minority contact may be positively impacted as more youth receive services instead of contact with juvenile court.

### **Key Objective Outcomes:**

- 1. Reduce the number of youth referred to Juvenile Court by at least 50% by 2021.**
- 2. Reduce the number of juveniles committing repeat delinquent acts by at least 35% by 2021.**

### **Objective E2: Develop a system of Evening Reporting Centers (ERC) across the county to serve more delinquent juveniles at the community level. (Key owners: Juvenile Court, Shelby County Schools)**

Some juvenile offenders occupy the space between requiring detention due the public safety threat posed by their release and those many youth (the majority) who are unlikely to reoffend. For these at-risk youth, addressing the vulnerable time in their schedules at the end of the school day can serve as a powerful intervention. Research has demonstrated the after-school and evening hours present a peak window during which delinquent acts occur.<sup>58</sup> Evening reporting centers serve as a community-based, structured alternative to leaving these youth to their own devices during these difficult hours. A structured program such as an ERC also serves to promote use of detention for only the most serious and violent offenders. The schedule allows the juvenile to attend school during the day, but then provides structure and intervention services to help move the youth to better choices. Shelby County Juvenile Court currently contracts with Juvenile Interventions and Faith-based Follow-up (JIFF) to provide an ERC, a 4-week (20 days) program.

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<sup>58</sup> Decker, Scott H., *Responding to Gangs, Guns and Youth Crime: Principles from Strategic Problem Solving Approaches*, Arizona State University (n.d.).



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The ERC model is recognized by the Annie E. Casey Foundation as a best practice and is operating in numerous locations across the country. It provides intensive after-school supervision in a supportive environment. ERCs pick up youth at their schools and transport them to the facility, provide snacks, homework supervision, physical activity, dinner, mentoring and counseling, and then transport the youth home in the evening.

Shelby County Juvenile Court seeks to expand the capacity of Shelby County ERCs dramatically to service approximately 600 juveniles from the 50-60 currently served on an annual basis by JIFF. Data from around the country indicates ERCs are succeeding in preventing these youth from committing new offenses. For example, in Harrisburg, PA 85% of youth did not commit a new offense while participating in the program;<sup>59</sup> in Clayton County, GA, of those tracked, the ERC noted a non-recidivism rate of 93% for six months following completion of their program.<sup>60</sup> In a study of 23 ERCs across the country conducted by Missouri State University, participating youth completed the ERC program without receiving a citation for new delinquent act at a rate of between 77-97%.<sup>61</sup> Due to the short length of the program, the ERC is not designed to be therapeutic, but can help to determine previously unmet social needs and thereby provide assistance in resolving underlying issues which may be contributing to delinquent behaviors.

### **Key Objective Outcomes:**

- 1. Maintain a compliance rate by participants with the ERC program requirements of at least 85%.**
- 2. Less than 10% of participating juveniles will commit new offenses within one year of ending participation.**

<sup>59</sup> Data reflects 2009 measures. Retrieved from <http://modelsforchange.net/newsroom/164>

<sup>60</sup> <http://jjie.org/evening-reporting-center-keeps-kids-out-of-trouble-during-peak-crime-hours-administrators-say/16098/>.

<sup>61</sup> Garland, Brett, "Juvenile Evening Reporting Centers: A Research Note on an Emerging Practice," Missouri State University (2014). However, this study cautioned that ERC participation alone did not necessarily show largely better outcomes for youth compared to other alternatives to detention (for example, ankle electronic monitoring). Clearly defined goals for the ERC are critical to its successful development.

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### *Memphis Shelby Crime Commission Leadership*

As of October, 2016, members of the Board of Directors are as follows:

Ben C. Adams, Chairman and CEO, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

Mark Billingsley, Commissioner, Shelby County Government

Jerry Blum, Director of Security Services, AutoZone

Stephen Bush, Public Defender, Shelby County Government

Dave Carlson, Director of Marketing, Smith & Nephew

Kevin Clarkson, Senior Vice President, CB Richard Ellis

Lee V. Coffee, Judge, Shelby County Criminal Court

George Cogswell, Publisher, The Commercial Appeal

Jerry Collins, CEO and President, Memphis Light, Gas & Water Division

John DeBerry, Representative, Tennessee General Assembly

Rob DeLPriore, Executive Vice President, Mid-America Apartment Communities, Inc.

John Dudas, Vice-President, Belz Enterprises

Ryan Ehrhart, Senior Vice President, Raymond James

Mark Gwyn, Director, Tennessee Bureau of Investigation

Terry Harris, Vice President, Customer Security Service, FedEx

Jeffrey Higgs, Executive Director, Lemoyne-Owen College Community Development Corporation

Henry Hooper, Agent/Owner, State Farm Insurance

Dorsey E. Hopson II, Superintendent, Shelby County Schools

Larry Jensen, President, Commercial Advisors

David Kustoff, Attorney, Kustoff & Strickland PLLC

Pierce Ledbetter, CEO, LEDIC Management Group, LLC

Mark Luttrell, Mayor, Shelby County

Keith McDonald, Mayor, City of Bartlett

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Doug McGowen, COO, City of Memphis

Rick Masson, Executive Director, Plough Foundation

Dan Michael, Judge, Shelby County Juvenile Court

Glenn Moore, President, Memphis Area Association of Realtors and Glenn Moore Realty

Johnny B. Moore Jr., President and CEO, SunTrust Bank-Memphis

Worth Morgan, Councilman, City of Memphis

Olliette Murry-Drobot, Executive Director, Family Safety Center

Keith Norman, Pastor, First Baptist Church – Broad

Mark Norris, Senator, Tennessee General Assembly

Bill Oldham, Sheriff, Shelby County

Mike Palazzolo, Mayor, City of Germantown

Tony Parker, Commissioner, State of Tennessee Department of Correction

Chris Peck, former editor of The Commercial Appeal

David Popwell, President and COO, Banking, First Horizon National Corporation

Bill Powell, Criminal Justice Coordinator, Shelby County Government

Michael Rallings, Director, Division of Police Services, City of Memphis

David Slott, President and COO, American Residential Services

Carol Ross-Spang, Senior Vice President, Human Resources, Methodist Le Bonheur Healthcare

Ed Stanton III, U.S. Attorney, Western District of Tennessee

Jim Strickland, Mayor, City of Memphis

Blair Taylor, President, Memphis Tomorrow, Inc.

Chris Turner, Judge, Shelby County General Sessions Criminal Court (Domestic Violence Court)

K. B. Turner, Chair, University of Memphis Department of Criminology and Criminal Justice

Amy Weirich, District Attorney General for Shelby County and Chair, Operation: Safe Community

## *OSC-3 Quick Reference Guide*

*Plan outcomes by end of 2021 (2016 as baseline year):*

- Reduce the major violent crime rate (defined by the FBI as murder, rape, aggravated assault and robbery) by at least 30%.
- Reduce the major property crime rate (defined by the FBI as burglary, auto theft and other felony theft) by at least 30%.
- Reduce the overall crime rate (defined by the TBI as 54 “Group A” crimes, including all major crime categories) by at least 25%.

Goals	Key Goal Outcomes
GOAL A. Strengthen community engagement in crime prevention efforts.	<ul style="list-style-type: none"><li>• Community satisfaction with law enforcement will improve.</li><li>• Increase the number of citizens participating in community groups related to crime prevention by at least 100% by 2021.</li></ul>
GOAL B. Strengthen law enforcement’s ability to reduce violent street crime.	<ul style="list-style-type: none"><li>• Reduce reported gun crime by at least 30% by 2021.</li><li>• Reduce the rate of aggravated assaults by at least 30% by 2021.</li><li>• Reduce the rate of murders by at least 30% by 2021.</li><li>• Reduce the rate of robberies by at least 30% by 2021.</li></ul>
GOAL C. Strengthen intervention programs for ex-offenders.	<ul style="list-style-type: none"><li>• Reduce the rate of re-incarceration of offenders released to Shelby County by at least 30% by 2021.</li></ul>
GOAL D. Enhance domestic violence prevention and intervention efforts.	<ul style="list-style-type: none"><li>• Reduce reported domestic violence incidents by at least 25% by 2021.</li></ul>
GOAL E. Enhance interventions for juveniles committing delinquent acts.	<ul style="list-style-type: none"><li>• Reduce the number of juveniles committing delinquent acts by at least 30% by 2021.</li></ul>





## ***MEMPHIS SHELBY CRIME COMMISSION***

**Prepared and printed by the Memphis Shelby Crime Commission, a 501(c)(3) non-profit corporation located at 600 Jefferson Avenue, Suite 400, Memphis, TN 38105.**

**[www.memphiscrime.org](http://www.memphiscrime.org) or [www.operationsafecommunity.org](http://www.operationsafecommunity.org)**

**901-527-2600**

# EXHIBIT C



**Memorandum of Agreement  
between the  
Memphis Shelby Crime Commission  
and  
The University of Memphis**



The Memphis Shelby Crime Commission (MSCC), a private, nonprofit 501c3 organization with a 50 member board of directors that serves as the leadership table for reducing crime in Memphis and Shelby County, and The University of Memphis (UofM), a State of Tennessee institution of higher education, have mutual interest in leveraging the expertise, networks, and resources of their respective organizations to explore best practices, policies, and strategies to address crime and improve public safety. Based on this mutual interest, the undersigned parties agree to the following:

1. UofM by and through its Cecil C Humphreys School of Law, and School of Urban Affairs and Public Policy within the College of Arts and Sciences will establish the "Public Safety Institute" (INSTITUTE). This interdisciplinary INSTITUTE will reside in the College of Arts and Sciences and will draw on faculty researchers in Criminal Justice, Law, and other departments across the University and beyond to:

- Identify evidence based practices and solutions, and generally bring deep expertise to problem-solving issues of crime and delinquency;
- Publish and analyze local crime statistics and trends;
- Help define and execute an applied research agenda, including evaluations on the effectiveness of specific programs, tied directly to Operation: Safe Community and local community practice; and
- Organize colloquia and symposia to promote thought leadership and discussion to improve practice related to crime and public safety.

2. MSCC is co-founding the center to support its mission to make Memphis one of the safest communities of its size in the nation and will provide funding to support a Center Executive Director, a Director of Center Administration and Operations, and annually expendable research funds to enable pursuit of the INSTITUTE's research-practice partnership agenda.

The INSTITUTE Executive Director will be a full-time employee and Senior Fellow of the UofM, reporting to the Dean of the College of Arts and Sciences, with a dotted line relationship to the Dean of the School of Law. The INSTITUTE Executive Director will be hired with a 50% executive on loan assignment as President & CEO of the MSCC and will report to the Chair of the MSCC Board of Directors for this set of responsibilities. The INSTITUTE Executive Director will be appointed to a limited position (contingent upon external funding) by mutual agreement of the UofM and MSCC with an expected start date of September 1, 2016.

The Director of INSTITUTE Administration and Operations will also be a full-time limited position employee of the UofM, selected through an open, competitive process, and reporting to the INSTITUTE Executive Director.

3. Annual funding for the INSTITUTE will be provided by the Crime Commission and will be paid in equal quarterly installments September 1<sup>st</sup>, December 1<sup>st</sup>, March 1<sup>st</sup>, and June 1<sup>st</sup> during each year of the agreement, beginning with the first payment on September 1, 2016. Year 1 funding will include \$200,000 in salary plus 36.4% benefits (\$72,800) for the INSTITUTE Executive Director; \$95,000 in salary plus 36.4% (\$34,580) benefits for



**Memorandum of Agreement  
between the  
Memphis Shelby Crime Commission  
and  
The University of Memphis**



the Director of INSTITUTE Administration and Operations, and \$100,000 to support research related to the UofM-MSCC research-practice partnership agenda developed by the INSTITUTE. Funding for years 2 and 3 will maintain the \$100,000/year commitment for research support and will provide for increased funds necessary to cover expenses associated with any state mandated across-the-board salary and/or benefits increases for University employees for the INSTITUTE Executive Director and Director of INSTITUTE Administration and Operations.

Payments under the terms of this Agreement shall be made by check payable to:

Name on check:        The University of Memphis  
                              Grants and Contracts Accounting  
                              P.O. Box 1000, Dept. 313  
                              Memphis, Tennessee 38148-0313

University Tax ID #:    62-0648618

UofM will devote half of the annual research funds to support the hiring of a Research Associate Professor to spearhead the conduct of the research-practice partnership agenda and will devote the remainder to seeding faculty and student involvement in this shared research agenda. It is expected that the INSTITUTE and its affiliated faculty researchers will identify, pursue funding for, and conduct research independent of the INSTITUTE-MSCC research-practice partnership agenda. The INSTITUTE Executive Director and Director of INSTITUTE Administration and Operations will work with UofM faculty and sponsored research staff to identify funding through grants or contracts from sources other than the Crime Commission for this independent agenda.

4. The initial term of this agreement is three (3) years, beginning September 1, 2016 and ending August 31, 2019. In the event that either party shall be in default of any of its obligations under this Agreement and shall fail to remedy such default within thirty (30) days after receipt of written notice thereof, the party not in default shall have the option of canceling this Agreement by giving thirty (30) days written notice of termination to the other party. The Agreement may be extended by the mutual written consent of the MSCC and the UofM.

This Agreement may be terminated by either party for convenience upon ninety (90) days written notice to the other party prior to the effective date of such termination. This Agreement may be terminated without the above-described notice only upon grounds that the activity has been cancelled due to an act of God or some other circumstance outside the control of University. Termination of this Agreement shall not affect the rights and obligations of the parties which shall have accrued prior to termination.

5. Any notice or communication required or permitted under this Agreement shall be made in writing and shall be deemed to have been sufficiently given or made if mailed by certified mail or overnight courier service, postage prepaid, return receipt requested as follows: If to the UofM: Dr. Andrew Meyers, Vice President for Research; 308 Administration Building, Memphis, TN 38152. If to the MSCC: Executive Director; 119 S. Main St. # 450, Memphis, TN 38103.





Memorandum of Agreement  
between the  
Memphis Shelby Crime Commission  
and  
The University of Memphis



6. In the exercise of the rights of academic freedom of an educational institution and its faculty, UofM personnel involved in MSCC supported research shall have the right to present at symposia, national or regional professional meetings and to publish in scientific or other journals, the results of research conducted with funding support through this Agreement. MSCC shall be acknowledged for its support in any resulting publications; and MSCC shall also have the right to release the results of MSCC supported research and summaries thereof.

7. Any intellectual properties belonging to a party, including, but not limited to, methods and data, used or provided for use in performance of the work contemplated subject to this Agreement shall remain the property of the respective party. It is expressly agreed that neither the UofM nor MSCC transfers by operation of this Agreement to the other party any patent right, copyright, or other proprietary right owned as of the commencement date of the Agreement or arising outside of the research conducted under this Agreement.

8. Each party shall be solely liable for payment of its portion of all claims, liability, costs, expenses, demands, settlements, or judgments resulting from negligence, actions or omissions of itself or those for whom it is legally responsible relating to or arising under this Agreement.

9. Each party is an independent contractor, and this Agreement shall not be construed as creating a partnership, joint venture or employment relationship between the parties or as creating any other form of legal association that would impose liability on one party for the act or failure to act of the other party.

10. This Agreement shall be governed, construed and enforced in accordance with the laws of the State of Tennessee without regard to its conflicts of law provisions. Any and all disputes shall be resolved in a court of competent jurisdiction in Shelby County, Tennessee.

11. This Agreement constitutes the entire understanding between the parties and supersedes all prior negotiations, representations and agreements, whether written or oral. The terms of this Agreement may be amended by written mutual consent of the parties.

Agreed to this the 3<sup>rd</sup> Day of May, 2016 by the undersigned, duly authorized officials of UofM and MSCC.

On behalf of the University of Memphis

M. David Rudd  
President

On behalf of the Memphis Shelby Crime Commission

Ben Adams  
Chairman

REVIEWED  
BY LEGAL COUNSEL  
8/10/16  
OFFICE OF LEGAL COUNSEL  
5/13/16  
DATE

# EXHIBIT D



## DIVISION OF FINANCE



**To:** Honorable Mayor Jim Strickland

**From:** Eric S. Mayse, Purchasing Agent *ESM*

**Date:** March 21, 2017

**Subject:** Contract # 34054 - MEMPHIS SHELBY CRIME COMMISSION

Please find attached the above referenced contract for the Mayor's signature. This document does not require City Council approval.

**Purpose:** Funding Agreement - MSCC Grant - Public Safety Retention Recruitment. Term: upon execution to 12/31/2020.

**Financial Commitment:** This is a negotiated agreement. There is no financial obligation .

**M/WBE Participation Goal:** 0.00%

**M/WBE Participation Commitment:** 0.00% *N/K*

**SBE-Only Bid:** N

**Contracting Authority:** By Home Rule Amendment 1852, Section 14, BE IT FURTHER ORDAINED, That the power to contract (other than by franchise agreements) shall remain with the Mayor.

After approval, please return all documents to the Purchasing Department for further processing.

Should you have any questions, please advise.

Attachment



**PURCHASING**  
**CONTRACT CHECK-OFF SHEET**  
(To be attached to each file)

Division HR  
Requisition No. 21539  
Request for Quote No. \_\_\_\_\_  
Purchase Order No. 34054  
Initials/Date RF 3/21/17

NEGOTIATED CONTRACTS	YES	NO	N/A
RFP Required		✓	
Scoring criteria attached			✓
Does Purchasing have original proposals			✓
Check award recommendation information			✓
Check scope of services	✓		
Check term of contract/extension clauses	✓		
Check and enter Not To Exceed Amount			✓
Check contract amount	✓		
Check source of funds/POETA	✓		
Check insurance requirements			✓
Have you received tax exempt ruling letter from IRS or Memphis Shelby County Business Tax Receipt/License			✓
Copy of License & Establish Date - Shelby County 222-3059			✓
Check signatures	✓		
Copy of insurance/endorsement to clerk			N/A

Term: exec - 12/31/2020

no extensions

may be amended





BID & CONTRACT AGENDA SHEET /  
PURCHASE ORDER BID AWARD RECOMMENDATION FORM

DIVISION	SERVICE CENTER	DATE
Human Resources	<del>000000</del> 180101	3/20/17

1. BID REJECTION

For purchase/construction of	RFQ#
Explanation of rejection	
Request to Readvertise / Rebid	

2. CONTRACT AWARD RECOMMENDATION

<input type="checkbox"/> Low	<input type="checkbox"/> Best*	<input type="checkbox"/> Only	<input type="checkbox"/> Negotiated
Contractor			
Address			
For			

\*Justification for rejection of low bids attached

Number of bids received (attach two copies of bid tabulation)

3. CHANGE ORDER/AMENDMENT/ENCUMBRANCE/FINAL PAYMENT (Contracts Only) Contract #

Contractor	Memphis Shelby Crime Commission
Address	
For	MSCC Grant - Public Safety Retention Recruitment

<input type="checkbox"/> Extension	Original Contract Amount	Final Payment Due
<input type="checkbox"/> Change Order	Previous C.O. Total	Retainage
<input type="checkbox"/> Cancel Contract #	Previous Amend./Encum. Total	
<input type="checkbox"/> Transfer to PO/REQ #	C.O.#	Attached
<input type="checkbox"/> Amendment	Amend.#	Attached
<input checked="" type="checkbox"/> Encumbrance	Encumbrance Amount \$0	
<input type="checkbox"/> Capital Acquisition	Adjusted Contract Amount	

4. COST AND SOURCE OF FUNDS

FY 2017					
Fund 0205	Service Center 239901	Account 052528	0000000	000000	000000
Grant/CIP	Project # PD90193	Task #		Award # 12894	
Exp Type		Exp. Org			

Fund	Service Center	Account	0000000	000000	000000
Grant/CIP	Project #	Task #		Award #	
Exp Type		Exp. Org			
Contract Amount					
Special Instructions					

5. CHECKED AND APPROVED BY

Service Center Approval	<i>[Signature]</i>	Date	3/20/17
Division Director	<i>[Signature]</i>	Date	3/20/17
City Engineer	<i>[Signature]</i>	Date	
Chief Administrative Officer	<i>[Signature]</i>	Date	3/20/17

6. FUNDING/PURCHASING APPROVAL

Funds are available	<i>[Signature]</i>	Date	3/21/17
Funds to be appropriated/transferred		Date	

Purchasing Agent	<i>[Signature]</i>	Date	3/21/17
------------------	--------------------	------	---------

Note: Return B&C Agenda Sheet within ten (10) days  
Return PO Bid Award Recommendation Form within five (5) days

MAR 22 2017

Reg 21539 *[Signature]* 3/21/17

MAR 21 11 PM 2:05

Chief Administrative Officer



**JIM STRICKLAND  
MAYOR**

**DIVISION OF FINANCE**

**March 27, 2017**

**City Contract # 34054**

**Memphis Shelby Crime Commission  
President Bill Gibbons  
600 Jefferson Ave, Suite 400  
Memphis, TN 38105**

**Gentlemen:**

**We are enclosing, herewith, an executed copy of a Negotiated Contract for: MSCC Grant – Public Safety Retention Recruitment, for the Division of Human Resources.**

**This copy is for your files.**

**Sincerely,**

**Eric Mayse  
Purchasing Agent**

**cc: City Comptroller**

**A Resolution** to accept grant funds from the Memphis Shelby Crime Commission.

**WHEREAS**, the City of Memphis has received grant funds in the amount of Six Million, One Hundred Thousand Dollars (\$6,100,000.00) from the Memphis Shelby Crime Commission; and

**WHEREAS**, these funds will be used to develop and implement targeted strategies for the recruitment and retention of experienced and qualified Memphis Division of Police Services ("MPD") personnel; and

**WHEREAS**, it is necessary to accept the grant funding and amend the Fiscal Year 2017 Operating Budget to establish funds for developing and implementing targeted strategies for recruiting and retaining experienced and qualified MPD personnel; and

**WHEREAS**, it is necessary to appropriate the grant funds in the amount of Six Million, One Hundred Thousand Dollars (\$6,100,000.00) for developing and implementing targeted strategies for recruiting and retaining experienced and qualified MPD personnel; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the funds in the amount of Six Million, One Hundred Thousand Dollars (\$6,100,000.00) be accepted by the City of Memphis for developing and implementing targeted strategies for recruiting and retaining experienced and qualified MPD personnel.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2017 Operating Budget be and is hereby amended by appropriation in the amount of Six Million, One Hundred Thousand Dollars (\$6,100,000.00) as Expenditures and Revenues for developing and implementing targeted strategies for recruiting and retaining experienced and qualified MPD personnel.

I hereby certify that the foregoing is a true copy  
and document was adopted, approved by the  
Council of the City of Memphis in regular  
session on

Date MAR 07 2017

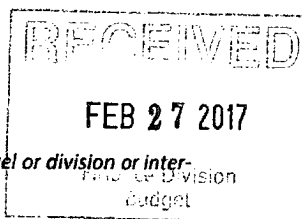
*Therese C. Sigal*  
Deputy Comptroller-Council Records

HR  
#23



CITY OF MEMPHIS  
REQUEST FOR TRANSFER OF BUDGET APPROPRIATION  
LINE ITEM INCREASE

(use this form to increase revenues and expenditures; can be intra-departmental i.e. within legal level or division or inter-departmental between legal levels or divisions)



DIVISION: Human Resources  
SERVICE CENTER NAME: Administration  
INITIATED BY: Channin Jackson

DATE: 2/27/2017  
SERVICE CENTER CODE: 180101  
TITLE: Budget & Contract Coordinator

Fund 0111  
Fiscal Month 08

Budget Transaction No. 7148

0205  
REVENUE

ITEM DESCRIPTION	SERVICE CENTER	ACCOUNT	INCREASE	DECREASE
Donated Revenue	TBD	TBD	1,603,150.00	
			\$1,603,150.00	\$0.00

EXPENDITURE

ITEM DESCRIPTION	SERVICE CENTER	ACCOUNT	INCREASE	DECREASE
Recruiting Support	TBD	TBD	550,000.00	
Travel Budget	TBD	TBD	5,000.00	
Retention bonuses	TBD	TBD	1,024,500.00	
Culture Initiatives	TBD	TBD	23,650.00	
			\$1,603,150.00	\$0.00

JUSTIFICATION :

Grant funds donated by the Memphis Shelby Crime Commission to support staffing shortages at MPD.

APPROVED BY

REQUESTING DIRECTOR

DATE

APPROVED BY

RECEIVING DIRECTOR

DATE

(LEAVE BLANK IF NOT INTER-DEPARTMENTAL)

APPROPRIATIONS AVAILABLE FOR TRANSFER

BUDGET MGR.

DATE

TRANSFER APPROVED

FINANCE DIRECTOR

DATE



**FUNDING AGREEMENT BETWEEN THE CITY OF MEMPHIS AND  
THE MEMPHIS SHELBY CRIME COMMISSION**

THIS AGREEMENT (the "Agreement") is made and entered into this \_\_\_\_ day of February 2017, by and between the City of Memphis, Tennessee, acting through the Division of Police Services, (hereinafter "City" or "MPD"), and the Memphis Shelby Crime Commission (hereinafter "MSCC"), a non-profit corporation of the State of Tennessee.

WHEREAS, the City is interested in recruiting and retaining experienced and qualified Memphis Division of Police Services (hereinafter sometimes "MPD") personnel; and

WHEREAS, the City would like to facilitate its goal of recruiting and retaining experienced and qualified MPD personnel by developing targeted recruitment and retention strategies for qualified MPD personnel; and

WHEREAS, the MSCC spearheads the Memphis and Shelby County crime reduction plan known as Operation: Safe Community 3 ("OSC 3"), which prioritizes as Objective B1 to "Clarify and resolve shortages in law enforcement staffing"; and

WHEREAS, the MSCC, is pleased to award a grant to MPD for the purpose of recruiting and retaining commissioned officers ("Grant"); and

WHEREAS, the parties desire to set forth more specifically herein the terms and conditions which shall govern the award of the Grant;

NOW, THEREFORE, in consideration of the recitals set forth above and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and MSCC hereby agree as follows:

**1. PROJECT DESCRIPTION**

1.01. In order to resolve existing critical shortages in law enforcement staffing at MPD, and consistent with Operation Safe Community Three ("OSC 3") objective B1, MSCC hereby agrees to grant the City a total of Six Million, One Hundred Thousand Dollars (\$6,100,000.00) over a four-year period, to be disbursed to MPD as follows:

- Year 1: \$1.6 Million
- Year 2: \$1.33 Million
- Year 3: \$1.5 Million
- Year 4: \$1.67 Million

1.02. The City of Memphis Division of Human Resources will partner with MPD to develop and deploy recruitment strategies that will better meet the immediate recruitment needs for police officers and will develop data-driven, targeted retention strategies to retain qualified officers. These strategies include: funding for third-party vendors to support best practice recruitment processes; enhanced referral bonuses; funding for targeted retention bonuses to be paid in exchange for a commitment of service as determined by data; and funding for force multiplier programs that enhance police effectiveness.

1.03. The City's progress in meeting its goals of recruiting and retaining qualified MPD personnel will be measured by the following benchmarks:

2017:

- graduate 200 police recruits
- graduate 25 public safety dispatchers
- graduate 100 police services technicians
- reduce attrition (loss of officers not due to retirement or disability) to fewer than 115 officers annually

2018:

- graduate 200 police recruits
- graduate 25 public safety dispatchers
- graduate 100 police services technicians
- reduce attrition (loss of officers not due to retirement or disability) to fewer than 115 officers annually

2019:

- graduate 200 police recruits
- graduate 100 police services technicians
- maintain full complement of public safety dispatchers
- reduce attrition (loss of officers not due to retirement or disability) to fewer than 110 officers annually

2020:

- graduate 110 police recruits
- graduate 100 police services technicians
- maintain full complement of commissioned police officers
- maintain full complement of public safety dispatchers
- reduce attrition (loss of officers not due to retirement or disability) to fewer than 110 officers annually

1.04. The parties agree that this is a one-time investment to accelerate MPD recruiting and retention success, that the investment is not contingent on the City attaining its goals, and that the City shall be responsible for sustaining complement after the term of the Grant expires. The inability to meet a goal is not grounds for revocation of the grant.

## 2. PROJECT BUDGET

2.01. The City's budget for the project will be allocated as follows:

<b>YEAR 1 - 2017 Budget</b>	
<b>Initiative</b>	<b>Cost</b>
Recruiting support	\$ 550,000
Travel budget	\$ 5,000
Retention bonuses	\$ 1,024,500
Referral bonuses	\$ -
Management training	
Culture initiatives	\$ 23,650
<b>Total</b>	<b>\$ 1,603,150</b>

<b>YEAR 2 - 2018 Budget</b>	
<b>Initiative</b>	<b>Cost</b>
Recruiting support	\$ 50,000
Travel budget	\$ 5,000
Retention bonuses	\$ 1,103,600
Referral bonuses	\$ 80,000
Management training	\$ 75,000
Culture initiatives	\$ 23,700
<b>Total</b>	<b>\$ 1,337,300</b>

<b>YEAR 3 - 2019 Budget</b>	
<b>Initiative</b>	<b>Cost</b>
Recruiting support	\$ 50,000
Travel budget	\$ 5,000
Retention bonuses	\$ 1,266,150
Referral bonuses	\$ 80,000
Management training	\$ 75,000
Culture initiatives	\$ 23,700
<b>Total</b>	<b>\$ 1,499,850</b>

<b>YEAR 4 - 2020 Budget</b>	
<b>Initiative</b>	<b>Cost</b>
Recruiting support	\$ 50,000
Travel budget	\$ 5,000
Retention bonuses	\$ 1,426,500
Referral bonuses	\$ 80,000
Management training	\$ 75,000
Culture initiatives	\$ 23,700
<b>Total</b>	<b>\$ 1,660,200</b>

### 3. TERMS

3.01. The term of this Agreement shall commence upon the final execution hereof by all parties and end on December 31, 2020.

### 4. REPORTING and RECORDS

4.01. The City Division of Human Resources shall submit quarterly, written progress reports to the President of the MSCC. These reports shall include current MPD complement for Police and Public Safety Dispatchers; MPD retention trends and statistics; and cumulative progress on recruiting leads, prospects, and recruits for police officers and dispatchers.

### 4. STANDARD TERMS AND CONDITIONS

- 4.01. **Compliance.** The parties are assumed to be familiar with and agree that at all times they will observe and comply with all federal, state, and local laws, ordinances, and regulations in any manner affecting their performance under this Agreement.
- 4.02. **Governing Law.** This Agreement will be interpreted in accordance with the laws of the State of Tennessee. By execution of this Agreement, both parties agree that all actions, whether sounding in contract or in tort, relating to the validity, construction, interpretation and enforcement of this Agreement will be instituted and litigated in Shelby County, Tennessee, and in no other. In accordance herewith, the parties to this Agreement hereby irrevocably submit to the jurisdiction of the courts within the State of Tennessee located in Shelby County, Tennessee.
- 4.03. **Entire Agreement.** This Agreement contains the entire agreement of the parties and there are no other promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties
- 4.04. **Amendment.** This Agreement may be modified or amended only if such amendment is made in writing and signed by both parties.
- 4.05. **Severability.** Any provision of this Agreement that is prohibited, unenforceable, or not authorized as a matter of law shall not invalidate or affect the remaining provisions.
- 4.06. **No Waiver.** The failure of the City to enforce any provision or exercise a right under this Agreement shall not be considered a waiver. The express waiver of a provision shall be effective only in the specific instance, and as to the specific purpose, for which it was given in writing by the City.



- 4.07. **Execution of Agreement.** By executing this Agreement, each party represents to the other that this Agreement has been duly authorized and constitutes a valid, fully enforceable, and legally binding obligation of such party.

**5. NOTICE**

- 5.01. All notices to be given hereunder shall be in writing and shall be delivered to the following addresses or such other addresses as either of the parties shall give notice of from time to time during the term hereof:

City: City of Memphis  
Division of Police Services  
Dir. Michael Rallings  
201 Poplar Avenue, Room 12-20  
Memphis, TN 38103


City of Memphis  
Division of Human Resources  
Dir. Alexandria Smith  
125 North Main Street, Room 406  
Memphis, TN 38103

With copy to: City of Memphis  
City Attorney  
125 North Main Street, Room 336  
Memphis, TN 38103

MSCC: Memphis Shelby Crime Commission  
President Bill Gibbons  
600 Jefferson Avenue, Suite 400  
Memphis, TN 38105

IN WITNESS WHEREOF, the parties, by and through their fully authorized representatives, have executed this **AGREEMENT BETWEEN THE CITY OF MEMPHIS AND THE MEMPHIS SHELBY CRIME COMMISSION** as of the date first written above.

**CITY OF MEMPHIS**

  
Jim Stickland, Mayor  
Date: 3/24/17

By: Eric Maye

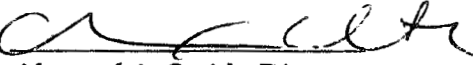
**MEMPHIS SHELBY CRIME COMMISSION**

By: Bill Gibbons  
Bill Gibbons, President

Date: 2/27/17

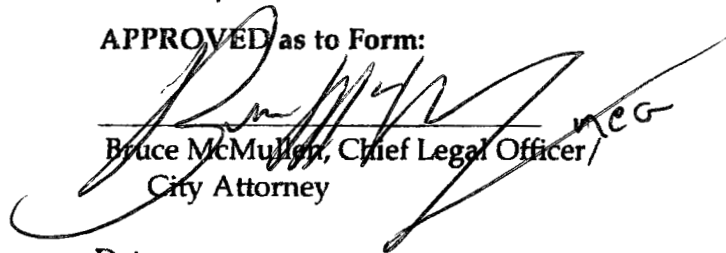
Michael Rallings, Director,  
Division of Police Services

Date: \_\_\_\_\_

By:   
Alexandria Smith, Director,  
Division of Human Resources

Date: 2/27/17

APPROVED as to Form:

  
Bruce McMullen, Chief Legal Officer  
City Attorney

Date: \_\_\_\_\_

ATTEST:

  
Comptroller/Deputy Comptroller

Date: 3/27/17

**FUNDING AGREEMENT BETWEEN THE CITY OF MEMPHIS AND  
THE MEMPHIS SHELBY CRIME COMMISSION**

**APPENDIX A**

**CALENDAR YEAR QUARTERLY GRANT  
PAYMENTS**

	Q1 Payment	Q2 Payment	Q3 Payment	Q4 Payment	
	Due Mar 31	Due Jun 30	Due Sep 30	Due Dec 31	Total
YEAR 1 - 2017	\$400,787.50	\$400,787.50	\$400,787.50	\$400,787.50	\$1,603,150.00
YEAR 2 - 2018	\$334,325.00	\$334,325.00	\$334,325.00	\$334,325.00	\$1,337,300.00
YEAR 3 - 2019	\$374,962.50	\$374,962.50	\$374,962.50	\$374,962.50	\$1,499,850.00
YEAR 4 - 2020	\$415,050.00	\$415,050.00	\$415,050.00	\$415,050.00	\$1,660,200.00

GRANT  
TOTAL           \$6,100,500.00



## DIVISION OF FINANCE



**To:** Honorable Mayor Jim Strickland

**From:** Eric S. Mayse, Purchasing Agent *ESM*

**Date:** August 10, 2017

**Subject:** Contract # 34054 - MEMPHIS SHELBY CRIME COMMISSION ✓

Please find attached the above referenced contract for the Mayor's signature. This document does not require City Council approval.

**Purpose:** Amendment to the contract to update "Appendix A". Contract expires on 12/31/2020.

**Financial Commitment:** This is a negotiated agreement. There is no financial obligation .

**M/WBE Participation Goal:** 0.00%

**M/WBE Participation Commitment:** 0.00% *50/c*

**SBE-Only Bid:** N

**Contracting Authority:** By Home Rule Amendment 1852, Section 14, BE IT FURTHER ORDAINED, That the power to contract (other than by franchise agreements) shall remain with the Mayor.

After approval, please return all documents to the Purchasing Department for further processing.

Should you have any questions, please advise.

Attachment

OCT 4 17 4:33PM





**JIM STRICKLAND  
MAYOR**

**DIVISION OF FINANCE**

***August 23, 2017***

***City Contract # 34054***

***Memphis Shelby Crime Commission  
600 Jefferson Ave.  
Suite 400  
Memphis, TN 38105***

***Gentlemen:***

***We are enclosing, herewith, an executed copy of an Amendment to the contract to update Appendix A per the agreement for the Division of Human Resources.***

***This copy is for your files.***

***Sincerely,***

***Tom Boyles  
for Eric Mayse***

***Eric S. Mayse  
Purchasing Agent***

***cc: City Comptroller  
Human Resources***



**PURCHASING**  
**CONTRACT CHECK-OFF SHEET**  
(To be attached to each file)

Division \_\_\_\_\_  
Requisition No. \_\_\_\_\_  
Request for Quote No. \_\_\_\_\_  
Purchase Order No. \_\_\_\_\_  
Initials/Date \_\_\_\_\_

HR

# 22242  
34054

gww

08-09-17

EXTENSIONS/AMENDMENTS	YES	NO	N/A
Review extension/amendment for form and accuracy			
Check original contract for extension/amendment clauses			
Confirm contract amount and source of funds			
Verify Not to Exceed Amount			
Check signatures			
Check insurance requirements			
Have you received tax exempt ruling letter from IRS or Memphis			
Shelby County Business Tax Receipt/License			
Copy of License & Establish Date - Shelby County 222-3050			
Performance Bond Renewals			
Create requisition to revise original contract			
CHANGE ORDERS			
Review for form and accuracy			
Confirm contract amount and 10% cap			
Verify Not To Exceed Amount			
Check signatures			
Create requisition to revise original contract			
ENCUMBRANCES			
Check B&C for amount of change			
Check contract for clauses ie. unit price; estimated prices			
Check signatures			
Verify Not To Exceed Amount			
Add encumbrance to existing purchase order			
FINAL PAYMENTS/CANCELLATIONS			
Check B&C for amount of final payment			
Check system for balance of contract			
Check signatures			
Check balance on Check Request			
Forward Check Request to AP for payment			
Cancel purchase order in system			

Governmental agreement - no inv. needed

MEMORANDUM

From: Channin L. Jackson, HR Operations Manager  
To: Joann Massey, Director of Office and Business Diversity  
DATE: August 1, 2017  
SUBJECT: Contract #34054

---

Brief/Memo

**1. Statement of Opportunity**

Contract 34054 is an agreement between the City Of Memphis and the Memphis Shelby Crime Commission (MSCC) to accept grant funds from MSCC to develop and implement targeted strategies for the recruitment and retention of experienced and qualified MPD personnel.

**2. EBO Participation**

The approved agreement is to accept grant funds and therefore, the original agreement was not evaluated for an EBO goal.

**3. Human Resources Action**

HR is seeking an amendment to the current agreement with MSCC to modify Appendix A (Quarterly Grant Payment Schedule).

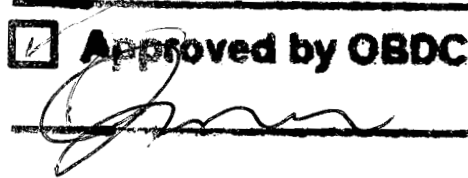
**4. OBD Action**

HR is requesting that OBD approve the amendment with MSCC. There is no fiscal impact of this change.

☐ Reviewed by OBDC

☒ Approved by OBDC

80:87-27.7 006



100-100000

100-100000

100-100000

100-100000



AMENDMENT NO. 1 TO  
CITY CONTRACT NO. 34054

**THIS AMENDMENT** is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by and between the City of Memphis, acting through the Division of Police Services (hereinafter "City" or "MPD") and the Memphis Shelby Crime Commission (hereinafter "MSCC"), a non-profit corporation of the State of Tennessee.

**WHEREAS**, by Resolution dated March 7, 2017, the City agreed to accept grant funds from MSCC to develop and implement targeted strategies for the recruitment and retention of experienced and qualified MPD personnel; and

**WHEREAS**, the City and MSCC entered into a Funding Agreement (the "Agreement") on March 27, 2017, setting forth as "Appendix A" to the Agreement a schedule for payment of the grant funds from MSCC to the City; and

**WHEREAS**, the parties now desire to amend the Agreement to change the payment schedule for the grant funds;

**NOW THEREFORE**, in consideration of the mutual covenants, conditions and promises herein contained, the receipt and sufficiency of which are expressly acknowledged, the parties hereby agree as follows:

- 1) To amend the Agreement by deleting the original Appendix A in its entirety and replacing it with a new Appendix A, updated 7/11/17, attached hereto.

All other terms and conditions as set forth in the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment to be executed on the day and date below written.

City of Memphis

Memphis Shelby Crime Commission

By: 

JIM STRICKLAND, MAYOR

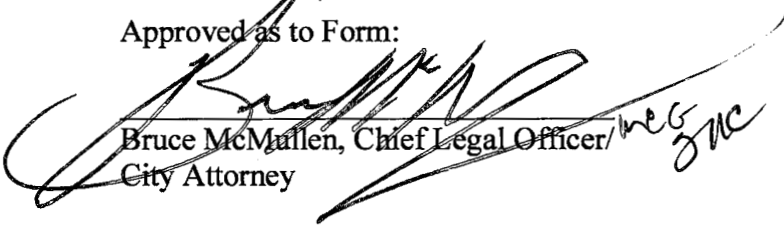
By: 

BILL GIBBONS, PRESIDENT

DATE: 8/21/17

DATE: 8/11/17

Approved as to Form:

  
Bruce McMullen, Chief Legal Officer/  
City Attorney

Attest:

  
Deputy Controller

# FUNDING AGREEMENT BETWEEN THE CITY OF MEMPHIS AND THE MEMPHIS SHELBY CRIME COMMISSION

## APPENDIX A

*Updated 7/11/17*

### NEW CALENDAR YEAR QUARTERLY GRANT PAYMENTS (Based on new bonus arrangement)

Due March 31

Total

CITY OF MEMPHIS FISCAL YEAR 1 - 2018	\$1,928,650.00
CITY OF MEMPHIS FISCAL YEAR 2 - 2019	\$1,146,800.00
CITY OF MEMPHIS FISCAL YEAR 3 - 2020	\$1,241,850.00
CITY OF MEMPHIS FISCAL YEAR 4 - 2021	\$1,783,200.00

\$6,100,500.00

### FORMER CALENDAR YEAR QUARTERLY GRANT PAYMENTS

Q1 Payment      Q2 Payment      Q3 Payment      Q4 Payment

	Due Mar 31	Due Jun 30	Due Sep 30	Due Dec 31	Total
YEAR 1 - 2017	\$400,787.50	\$400,787.50	\$400,787.50	\$400,787.50	\$1,603,150.00
YEAR 2 - 2018	\$334,325.00	\$334,325.00	\$334,325.00	\$334,325.00	\$1,337,300.00
YEAR 3 - 2019	\$374,962.50	\$374,962.50	\$374,962.50	\$374,962.50	\$1,499,850.00
YEAR 4 - 2020	\$415,050.00	\$415,050.00	\$415,050.00	\$415,050.00	\$1,660,200.00

GRANT TOTAL      \$6,100,500.00



## BID & CONTRACT AGENDA SHEET / PURCHASE ORDER BID AWARD RECOMMENDATION FORM

DIVISION	SERVICE CENTER	DATE
Human Resources		8/4/17

### 1. BID REJECTION

For purchase/construction of	RFQ#
Explanation of rejection	
Request to Readvertise / Rebid	

### 2. CONTRACT AWARD RECOMMENDATION

<input type="checkbox"/> Low <input type="checkbox"/> Best* <input type="checkbox"/> Only <input type="checkbox"/> Negotiated
Contractor
Address
For

\*Justification for rejection of low bids attached  
Number of bids received (attach two copies of bid tabulation)

### 3. CHANGE ORDER/AMENDMENT/ENCUMBRANCE/FINAL PAYMENT (Contracts Only) Contract # 34054

Contractor
Address
For

<input type="checkbox"/> Extension	Original Contract Amount	Final Payment Due
<input type="checkbox"/> Change Order	Previous C.O. Total	Retainage
<input type="checkbox"/> Cancel Contract #	Previous Amend./Encum. Total	
<input type="checkbox"/> Transfer to PO/REQ #	C.O.#	Attached
<input type="checkbox"/> Amendment	Amend.#	Attached
<input checked="" type="checkbox"/> Encumbrance	Encumbrance Amount \$0	
<input type="checkbox"/> Capital Acquisition	Adjusted Contract Amount	

### 4. COST AND SOURCE OF FUNDS

FY 2018						
Fund 0205	Service Center 239901	Account 052528	0000000	000000	000000	
Grant/CIP	Project # PD90193	Task #	Award #			
Exp Type	Exp. Org					

Fund	Service Center	Account	0000000	000000	000000
Grant/CIP	Project #	Task #	Award #		
Exp Type		Exp. Org			
Contract Amount					
Special Instructions					

### 5. CHECKED AND APPROVED BY

Service Center Approval	Date 8/4/17
Division Director	Date 8/4/17
City Engineer	Date
Chief Administrative Officer	Date 8/7/17

### 6. FUNDING/PURCHASING APPROVAL

Funds are available	Date 08-09-17
Funds to be appropriated/transferred	Date

Purchasing Agent	Date 8/10/17
------------------	--------------

Note: Return B&C Agenda Sheet within ten (10) days  
Return PO Bid Award Recommendation Form within five (5) days

WDS:4 214 100

2017-10-10

22202

8/10/17

Received

AUG 17 2017

Chief Administrative  
Office



**JIM STRICKLAND  
MAYOR**

**DIVISION OF FINANCE**

**August 23, 2017**

**City Contract # 34054**

**Memphis Shelby Crime Commission  
600 Jefferson Ave.  
Suite 400  
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*Tim Boyles  
for Eric Mayse*

**Eric S. Mayse  
Purchasing Agent**

**cc: City Comptroller  
Human Resources**



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**CONTRACT CHECK-OFF SHEET**  
(To be attached to each file)

Division \_\_\_\_\_  
Requisition No. \_\_\_\_\_  
Request for Quote No. \_\_\_\_\_  
Purchase Order No. \_\_\_\_\_  
Initials/Date \_\_\_\_\_

HR

# 22202  
34054

gw

08-09-17

EXTENSIONS/AMENDMENTS	YES	NO	N/A
Review extension/amendment for form and accuracy			
Check original contract for extension/amendment clauses			
Confirm contract amount and source of funds			
Verify Not to Exceed Amount			
Check signatures			
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Have you received tax exempt ruling letter from IRS or Memphis Shelby County Business Tax Receipt/License			
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Governmental agreement - no inv. needed



## MEMORANDUM

From: Channin L. Jackson, HR Operations Manager  
To: Joann Massey, Director of Office and Business Diversity  
DATE: August 1, 2017  
SUBJECT: Contract #34054

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### Brief/Memo

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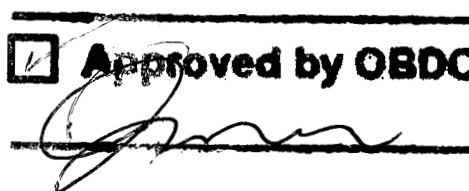
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☐ Reviewed by OBDC

☒ Approved by OBDC

8018-2017-000





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City of Memphis

Memphis Shelby Crime Commission

By: 

JIM STRICKLAND, MAYOR

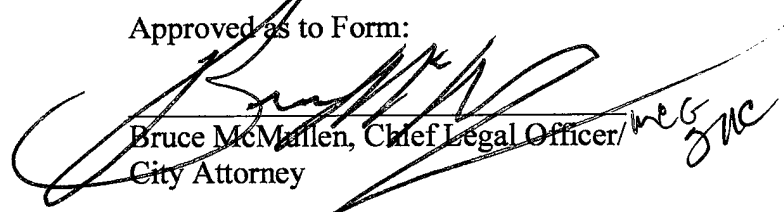
By: 

BILL GIBBONS, PRESIDENT

DATE: 8/21/17

DATE: 8/11/17

Approved as to Form:

  
Bruce McMullen, Chief Legal Officer/  
City Attorney

Attest:

  
Deputy Controller

# FUNDING AGREEMENT BETWEEN THE CITY OF MEMPHIS AND THE MEMPHIS SHELBY CRIME COMMISSION

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*Updated 7/11/17*

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GRANT TOTAL      \$6,100,500.00



BID & CONTRACT AGENDA SHEET /  
PURCHASE ORDER BID AWARD RECOMMENDATION FORM

DIVISION	SERVICE CENTER	DATE
Human Resources		8/4/17

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For purchase/construction of	RFQ #
Explanation of rejection	
Request to Readvertise / Rebid	

2. CONTRACT AWARD RECOMMENDATION

<input type="checkbox"/> Low <input type="checkbox"/> Best* <input type="checkbox"/> Only <input type="checkbox"/> Negotiated
Contractor
Address
For

\*Justification for rejection of low bids attached  
Number of bids received (attach two copies of bid tabulation)

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Contractor
Address
For

<input type="checkbox"/> Extension	Original Contract Amount	Final Payment Due
<input type="checkbox"/> Change Order	Previous C.O. Total	Retainage
<input type="checkbox"/> Cancel Contract #	Previous Amend./Encum. Total	
<input type="checkbox"/> Transfer to PO/REQ #	C.O.#	Attached
<input type="checkbox"/> Amendment	Amend.#	Attached
<input checked="" type="checkbox"/> Encumbrance	Encumbrance Amount \$0	
<input type="checkbox"/> Capital Acquisition	Adjusted Contract Amount	

4. COST AND SOURCE OF FUNDS

FY 2018					
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Grant/CIP	Project # PD90193	Task #	Award #		
Exp Type	Exp. Org				

Fund	Service Center	Account	0000000	000000	000000
Grant/CIP	Project #	Task #	Award #		
Exp Type	Exp. Org				
Contract Amount					
Special Instructions					

5. CHECKED AND APPROVED BY

Service Center Approval	Date 8/4/17
Division Director	Date 8/4/17
City Engineer	Date
Chief Administrative Officer	Date 8/4/17

6. FUNDING/PURCHASING APPROVAL

Funds are available	Date 08-09-17
Funds to be appropriated/transferred	Date
Purchasing Agent	Date 8/10/17

Note: Return B&C Agenda Sheet within ten (10) days  
Return PO Bid Award Recommendation Form within five (5) days

WDSS:4 214 100

2006-11-20

22202

8/10/17

Received

AUG 17 2017

Chief Administrative  
Office





## DIVISION OF FINANCE



**To:** Honorable Mayor Jim Strickland

**From:** Eric S. Mayse, Purchasing Agent *ESM*

**Date:** August 10, 2017

**Subject:** Contract # 34054 - MEMPHIS SHELBY CRIME COMMISSION ✓

Please find attached the above referenced contract for the Mayor's signature. This document does not require City Council approval.

**Purpose:** Amendment to the contract to update "Appendix A". Contract expires on 12/31/2020.

**Financial Commitment:** This is a negotiated agreement. There is no financial obligation .

**M/WBE Participation Goal:** 0.00%

**M/WBE Participation Commitment:** 0.00% *SUC*

**SBE-Only Bid:** N

**Contracting Authority:** By Home Rule Amendment 1852, Section 14, BE IT FURTHER ORDAINED, That the power to contract (other than by franchise agreements) shall remain with the Mayor.

After approval, please return all documents to the Purchasing Department for further processing.

Should you have any questions, please advise.

Attachment

OCT 4 17 4:33PM

# EXHIBIT E



**MEMPHIS SHELBY CRIME  
COMMISSION**

600 Jefferson Ave. • Suite 400 • Memphis, TN 38105  
901.527.2600 • Fax 901.527.5300 •  
[www.memphiscrime.org](http://www.memphiscrime.org)

**FOR IMMEDIATE RELEASE**

October 25, 2018 5pm CDT

**FOR MORE INFORMATION**

Contact: Linda Russell  
901.385.4230  
[lrussell@memphiscrime.org](mailto:lrussell@memphiscrime.org)

**CITY MAKES HEADWAY IN INCREASING POLICE OFFICERS**

At today's meeting of the Memphis Shelby Crime Commission board of directors, City of Memphis officials reported a police complement size of 2003 officers, crossing the 2000 threshold and moving toward the goal of 2300 officers by 2020. Growing the police force is Mayor Jim Strickland's top priority and a key part of the local Operation: Safe Community plan to reduce crime.

"This is important progress since having a sufficient number of officers is crucial to public safety," said Crime Commission president Bill Gibbons, who also serves as the executive director of the Public Safety Institute at the University of Memphis.

"Memphis had some catching up to do on police staffing when Mayor Strickland took office."

From 2012 through 2017, The Memphis Police Department (MPD) suffered a net loss of officers every year, with the total net loss amounting to over 20 percent of complement. Losses occurred due a combination of naturally occurring retirements as well as resignations, but with resignations outnumbering retirements in 2013, 2014, and 2015.

This year, the City of Memphis appears on the verge of having a net increase in MPD officers for the first time since 2011. At the end of 2017, MPD had 1959 officers on the payroll. As of October 15, of this year, the number stood at 2003 officers, with a total of 38 new recruits expected to graduate in December. While some additional retirements and resignations will occur this year, MPD appears poised to have well over 2000 officers by the end of 2018.

In an unprecedented show of support for enhanced public safety, private sector entities stepped forward in 2017 and committed \$6.1 million in private funds to the Crime Commission to help the city recruit and retain more MPD officers. With the help of these funds, in 2017, 89 percent of eligible officers (those with 3 - 11 years of service) signed up for retention bonuses payable in installments over four years in return for a commitment to remain with MPD for at least that four-year period. As of October 15, 96 percent of those officers have remained with MPD and continue to be eligible for bonus payments.

"We still have a way to go to reach our goal, but I'm encouraged by our progress," said City of Memphis Chief Human Resources Officer Alex Smith. "We extend our thanks to representatives of the private sector who are supporting our work. I don't think you can find another major city in America where private sector leaders have stepped forward to help make their city safer in such a direct, tangible way."

Strickland reached out to private sector leaders for assistance with police officer recruitment and retention through Memphis Tomorrow, which is composed of a number of major private sector entities in the city.

"Safe communities create an environment where people want to live, work, raise their families and where businesses and the entire community can thrive," said Bryan Jordan, chairman, president and CEO of First Horizon / First Tennessee Bank and recent chair of Memphis Tomorrow. "We support the Operation: Safe Community Plan to help strengthen the safety and security of our community and are very encouraged by the progress."

Attached is a detailed quarterly update submitted at today's board meeting by the City of Memphis to the Crime Commission on MPD recruitment and retention.

The Operation: Safe Community plan calls for an increase in MPD officers, along with 15 other major strategies involving the criminal justice system. The Crime Commission is quarterbacking implementation of the overall plan, but each of the strategies is "owned" by a particular agency or organization.

The following private sector entities are contributing to the MPD recruitment and retention effort:

*American Residential Services*  
*AutoZone*  
*Baker, Donelson, Bearman, Caldwell*  
*& Berkowitz*  
*Baptist Memorial Healthcare Corp.*  
*Dobbs Management Service*  
*FedEx*  
*First Horizon National Corporation/*  
*First TN Bank*

*The Hyde Family Foundation*  
*International Paper*  
*Memphis Tomorrow*  
*Methodist LeBonheur Healthcare*  
*Mid-America Apartments*  
*Monogram Food Solutions, LLC*  
*Southeastern Asset Management*  
*SunTrust Bank*

“After a net loss of over 20 percent of its police force, Memphis is now recruiting more officers than are leaving. Every citizen of Memphis regardless of income, race, age, or neighborhood deserves to live in a safe environment. They have a right to be in their homes, sit on their porches, walk in their neighborhoods, and go to work or school without fear. A full complement of MPD officers is critical to making sure that is the case,” said Gibbons.

\* \* \*

**The Memphis Shelby Crime Commission** is an independent, non-profit 501(c) (3) organization that “quarterbacks” the work of the Operation: Safe Community (OSC) plan. It is governed by a board comprised of 50 public and private sector leaders, most of whom are actively involved in leading various initiatives of the OSC plan.

**The Operation: Safe Community Plan 3 (OSC 3)** is Memphis and Shelby County’s third five-year crime reduction plan. Launched in 2017, the plan directs 16 key strategies toward reducing violent crime; and was developed with input from hundreds of citizens and approved by the board of directors of the Crime Commission. In addition to increasing the number of officers, some of the other steps in the plan include (1) increased community engagement in crime prevention efforts, including tackling blighted properties and organizing neighborhood watch groups; (2) strong prosecution of gun crimes; (3) increased staffing for the Multi-Agency Gang Unit; (4) transitional work opportunities for ex-offenders returning to the community; (5) an assessment and intervention center for non-violent youthful offenders; and (6) addressing gaps that exist in services to domestic violence victims.

To view the Operation: Safe Community Plan 3 (OSC 3) go to: (<https://memphiscrime.org/wp-content/uploads/AMENDED-July-2017-OSC-3-Complete-Plan-Booklet.pdf>)





## MPD RECRUITING AND RETENTION UPDATE FY19 Q2

# MPD recruiting and retention strategic plan

## *Executive summary*

Our strategic plan for recruiting and retaining MPD is centered on best practices.

Our #1 goal is to increase **MPD complement to 2,300 by 2020.**

In order to do this we have the following plan:

1. **Evolve City of Memphis culture:** build a culture focused on collaboration, innovation, accountability, and service
2. **Enhance police recruiting efforts:** add 200 new officers per year
3. **Enhance force multiplier recruiting efforts:** maintain complement of 100 PSTs
4. **Lower sworn officer turnover to 2013 levels:** 115 sworn officers per year

## MPD Recruiting and Retention – Goal Progress

Goal	Progress
Enhance <b>police recruiting</b> efforts	<ul style="list-style-type: none"> <li>• 2014 MPD hired 51 recruits</li> <li>• 2015 MPD hired 2 classes total 95 recruits</li> <li>• Since January 2016: <ul style="list-style-type: none"> <li>• we have hired 419 recruits</li> <li>• we have graduated 273 recruits</li> </ul> </li> <li>• 2019 and Beyond <ul style="list-style-type: none"> <li>• Plan to hire 300 recruits per year</li> </ul> </li> </ul>
Enhance <b>force multiplier</b> recruiting	<ul style="list-style-type: none"> <li>• Currently have 105 PSTs</li> <li>• Continue to invest in PST and Blue Path programs</li> </ul>
Lower <b>sworn officer</b> turnover	<ul style="list-style-type: none"> <li>• YTD sworn attrition 99 officers</li> <li>• Since 2015 sworn attrition has dropped 25%</li> </ul>

## MPD Current Compliment *(as of Oct 15, 2018)*

Role	YTD Number of Employees	Target Number of Employees (12/18)
<b>Commissioned Officers</b> <i>(includes PII Prob)</i>	2003	2006

## MPD 2018-2019 Talent Pipeline



# MPD Recruiting

---



## MPD Class Information

PR Class	Total Hired	Total Graduated	Academy Attrition
123	108	85	21%
124	99	85	14%
125	71	66	7%
126	44 (33) (11 PST went back to Academy 8-18-18)	38 (approx) (graduate 12/06)	14% (approx.)
127	97	TBD	TBD
Totals	419	273	15% (avg)

## MPD Class Start Dates

Class	Start Date
59 <sup>th</sup> PST	January 19, 2019
PR128	January 19, 2019
PR129	April 1, 2019
60 <sup>th</sup> PST (Blue Path)	June 24, 2019
PR130	June 24, 2019
PR131	September 30, 2019
PR132	December 16, 2019

# MPD Police Recruiting Challenges and Solutions

Recruiting Challenges	Solutions
Candidate interest	<ul style="list-style-type: none"><li>• National Recruitment Marketing Firm</li><li>• Jobs4Police.com partnership – in progress</li><li>• National Fraternal Order of Police</li><li>• Continue to promote Best in Blue commercial on Pandora, TV, Radio, Google, YouTube, and Social Media</li><li>• Delayed entry program</li><li>• Soldier for Life partnership – in progress</li><li>• Continue local recruitment initiatives</li></ul>
Candidate physical fitness	<ul style="list-style-type: none"><li>• Detailed review of expectations</li><li>• Conditioning camp</li></ul>

Background Challenges	Solutions
Background completion	<ul style="list-style-type: none"><li>• Clear RACI</li><li>• Increased number of investigators</li><li>• Routing civilian backgrounds to TBI</li><li>• Guardian background investigation tool</li></ul>

## MPD Talent Pipeline



# MPD Retention

## MPD Attrition *(as of Oct 15)*

	Police Services								
	Commissioned			Non-Commissioned			All Employees		
	Retirement	Resignation	Total	Retirement	Resignation	Total	Retirement	Resignation	Total
2012	48	35	83	10	34	44	58	69	127
2013	55	58	113	8	16	24	63	74	137
2014	74	85	159	18	20	38	92	105	197
2015	72	103	175	5	29	34	76	132	208
2016	72	62	134	10	43	53	82	105	187
2017	69	61	130	6	40	46	75	101	176
YTD 2018	60	39	99	3	33	36	63	72	135



## MPD Retention Bonus Update

- **2017: 624/703 (89% take rate)**
  - 26 terminations
    - 1 ADAAA
    - 17 Resignations
    - 8 Retirements
- **2018: 13/30 (43% take rate) (work-in-progress)**
- **Next Payout November 2018**
  - 598 (598/624 – 96% Retention Rate)
  - Pay out (\$802,200)
    - 84 Silver (\$1,200 = \$100,800)
    - 348 Gold (\$1,300 = \$452,400)
    - 166 Platinum (\$1,500=\$249,000)

# MPD Police Retention Challenges and Solutions

Retention Challenges	Solutions
Career advancement	<ul style="list-style-type: none"> <li>• <b>Promotions for 4 ranks this year</b> <ul style="list-style-type: none"> <li>• Promoted 42 to rank of Sergeant</li> <li>• Promoted 32 to rank of Lieutenant</li> <li>• Promotions for Lieutenant Colonel and Major forthcoming</li> </ul> </li> <li>• <b>IACP training</b> <ul style="list-style-type: none"> <li>• Completed one training class of 36 in August 2018. Next class of 36 will be in October 2018</li> </ul> </li> </ul>
Compensation and benefits	<ul style="list-style-type: none"> <li>• Communication - Total rewards marketing</li> <li>• Sick leave bank</li> <li>• \$0 mental health copay for 10 visits</li> <li>• Flat premiums</li> </ul>
Operational efficiencies/culture	<ul style="list-style-type: none"> <li>• IACP workforce report (waiting)</li> <li>• Engagement action plan</li> </ul>

# EXHIBIT F

Bill Gibbons, Brona Pinnolis, Linda Russell  
Memphis Shelby Crime Commission  
600 Jefferson Ave., 4th Floor  
Memphis, TN 38105  
wgibbons@memphis.edu  
bpinnolis@memphiscrime.org  
lrussell@memphiscrime.org

Nov. 6, 2018

VIA EMAIL

Re: Tennessee Public Records Act Request

Dear Mr. Gibbons, Ms. Pinnolis, and Ms. Russell:

This is a request under the Tennessee Public Records Act (“PRA”), and is submitted on behalf of both myself and The Marshall Project, a nonprofit news organization,<sup>1</sup> to the Memphis Shelby Crime Commission (“MSCC”).

Pursuant to the PRA, I, on behalf of both myself and the Marshall Project, request access to and copies of the following records:

1. The three most recent Schedule B (Form 990 tax filing) documents, and all schedules and exhibits thereto, for the MSCC;
2. All analyses, reports, memoranda, or similar works prepared by K2 Intelligence and/or former NYPD Police Commissioner Raymond (Ray) Kelly, including but not limited to the K2 Intelligence report coauthored by Mr. Kelly containing suggested reforms for the Memphis Police Department;
3. All contracts between the MSCC or any of its employees and K2 Intelligence or Raymond Kelly, between July 1, 2016 and December 31, 2017;
4. All records that identify any corporation, natural person, or other entity that has donated to the MSCC and the amount donated, including but not limited to emails, memos, communications, contracts, financial agreements, checks, money orders, and proofs of payment. This includes, but is not limited to, records identifying the donation amounts of:
  - a. American Residential Services
  - b. AutoZone
  - c. Baker Donelson
  - d. Baptist Memorial Healthcare Corp.
  - e. Dobbs Management Service

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<sup>1</sup> See <https://www.themarshallproject.org/about>.

- f. FedEx
  - g. First Horizon National Corp
  - h. Hyde Family Foundation
  - i. International Paper
  - j. Memphis Tomorrow
  - k. Methodist LeBonheur Healthcare
  - l. MAA
  - m. Monogram Food Solutions
  - n. Southeastern Asset Management
  - o. SunTrust Bank;
5. All emails, memos, or other forms of communication between any member of the MSCC Staff<sup>2</sup> or Board<sup>3</sup> and any employee of the City of Memphis, between January 1, 2016 and November 2, 2018, that reference or concern grants or transfers of money from the MSCC to the City of Memphis or any of its components (e.g., the Memphis Police Department);
  6. All emails, memos, or other forms of communication between any member of the MSCC Staff or Board and Blair Taylor, President of Memphis Tomorrow, between January 1, 2016 and November 2, 2018, that reference or concern grants or transfers of money from the MSCC to the City of Memphis or any of its components;
  7. All emails, memos, or other forms of communication between any member of the MSCC Staff or Board and Mark Norris, in his capacity as state Senate Majority Leader, between January 1, 2011 and October 15, 2018, that reference or concern any proposed or potential state legislation;
  8. All emails, memos, or other forms of communication between any members of the MSCC Staff, or between any member of the Staff and any member of the MSCC Board, between March 1, 2014 and November 2, 2018, that reference or concern the Citizens Law Enforcement Review Board (CLERB);
  9. All emails, memos, or other forms of communication between any member of the MSCC Staff or Board and any employee of the following entities, between January 1, 2016 and November 2, 2018:
    - FedEx  
Including but not limited to Terry Harris ([harris@fedex.com](mailto:harris@fedex.com))
    - AutoZone  
Including but not limited to Jerry Blum ([jerry.blum@autozone.com](mailto:jerry.blum@autozone.com)) and Lisa Kranc ([Lisa.Kranc@autozone.com](mailto:Lisa.Kranc@autozone.com))

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<sup>2</sup> A list of the MSCC staff is available at <https://memphiscrime.org/our-team/> (hereinafter, the “Staff”)

<sup>3</sup> A list of the MSCC Board of Directors is available at <https://memphiscrime.org/board-of-directors/> (hereinafter, the “Board”)

—International Paper

—SunTrust Bank

Including but not limited to Johnny B. Moore ([johnny.moore@suntrust.com](mailto:johnny.moore@suntrust.com))

—First Tennessee Bank

—Plough Foundation

Including but not limited to Rick Masson ([masson@plough.org](mailto:masson@plough.org))

—Mid-America Apartment Communities, Inc.

—Memphis Light, Gas and Water Division (MLGW)

—American Residential Services

—Central Defense Security

—Baker Donelson

—The University of Memphis

Including but not limited to David M. Rudd ([drudd@memphis.edu](mailto:drudd@memphis.edu))

—Pyramid Peak Foundation

Including but not limited to Jim Boyd ([jboyd@pyramidpeakfdn.org](mailto:jboyd@pyramidpeakfdn.org))

10. All emails, memos, or other forms of communication between any member of the MSCC Staff or Board and any of the following individuals, between January 1, 2014 and November 2, 2018:

- a. Stuart Frisch, in his role with the Memphis Police Department and the Secure Community Network
- b. Toney Armstrong, in his role as police director
- c. Mason Hawkins, both in his role with Southeastern Asset Management and the Pyramid Peak Foundation.
- d. Phil Trenary, then executive director of the chamber of commerce ([ptrenary@memphischamber.com](mailto:ptrenary@memphischamber.com)).

Please provide all responsive records in electronic format.



If this request is denied in whole or in part, please justify all such denials by reference to a specific exemption. Please also ensure that all segregable portions of otherwise exempt material are released.

If you have any questions concerning this request please do not hesitate to contact me. I look forward to receiving your response within seven days, as required by the PRA.

Sincerely,

A handwritten signature in black ink that reads "Wendi Thomas". The signature is written in a cursive, flowing style.

Wendi Thomas  
wendi.c.thomas@gmail.com

# EXHIBIT G

# REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

1156 15th St. NW, Suite 1250  
Washington, D.C. 20005  
(202) 795-9300  
www.rcfp.org

Bruce D. Brown  
Executive Director  
bbrown@rcfp.org  
(202) 795-9301

## STEERING COMMITTEE

STEPHEN J. ADLER  
*Reuters*

SCOTT APPLEWHITE  
*The Associated Press*

WOLF BLITZER  
*CNN*

DAVID BOARDMAN  
*Temple University*

CHIP BOK  
*Creators Syndicate*

MASSIMO CALABRESI  
*Time Magazine*

MANNY GARCIA  
*USA TODAY NETWORK*

EMILIO GARCIA RUIZ  
*The Washington Post*

JOSH GERSTEIN  
*POLITICO*

ALEX GIBNEY  
*Jigsaw Productions*

SUSAN GOLDBERG  
*National Geographic*

JAMES GRIMARDI  
*The Wall Street Journal*

LAURA HANDMAN  
*Davis Wright Tremaine*

JOHN C. HENRY  
*Freelance*

KAREN KAISER  
*The Associated Press*

DAVID LAUTER  
*Los Angeles Times*

DAHLIA LITHWICK  
*Slate*

MARGARET LOW  
*The Atlantic*

TONY MAURO  
*National Law Journal*

JANE MAYER  
*The New Yorker*

ANDREA MITCHELL  
*NBC News*

MAGGIE MULVIHILL  
*Boston University*

JAMES NEFF  
*Philadelphia Media Network*

CAROL ROSENBERG  
*The Miami Herald*

THOMAS C. RUBIN  
*Quinn Emanuel*

CHARLIE SAVAGE  
*The New York Times*

BEN SMITH  
*BuzzFeed*

JENNIFER SONDAG  
*Bloomberg News*

PIERRE THOMAS  
*ABC News*

SAUNDRA TORRY  
*USA TODAY*

VICKIE WALTON-JAMES  
*NPR*

JUDY WOODRUFF  
*PBS/The NewsHour*

Senior Advisor:  
PAUL STEIGER  
*ProPublica*

Affiliations appear only  
for purposes of identification.

Bill Gibbons, Brona Pinnolis, Linda Russell  
Memphis Shelby Crime Commission  
600 Jefferson Ave., 4th Floor  
Memphis, TN 38105  
wgibbons@memphis.edu  
bpinnolis@memphiscrime.org  
lrussell@memphiscrime.org

November 28, 2018

## VIA E-MAIL AND OVERNIGHT DELIVERY

*Re: Tennessee Public Records Act Request*

Dear Mr. Gibbons, Ms. Pinnolis, and Ms. Russell:

We are counsel to The Marshall Project and Wendi Thomas. The Marshall Project is a Pulitzer Prize-winning nonprofit news organization that reports on and fosters public awareness about, among other things, the criminal justice system in the United States.<sup>1</sup> Ms. Thomas is an award-winning independent journalist based in Memphis and the editor and publisher of MLK50: Justice Through Journalism.<sup>2</sup>

This letter concerns a request made by The Marshall Project and Ms. Thomas to the Memphis Shelby Crime Commission ("MSCC") under the Tennessee Public Records Act, T.C.A. §§ 10-7-503 *et seq.* ("PRA"), on November 6, 2018 (hereinafter, the "Request"). A true and correct copy of the Request is attached hereto as Exhibit A.

As of the date of this letter, it has been 14 business days since the Request was submitted. Our clients have not received any response from the MSCC concerning the Request.

The MSCC's silence is a clear violation of the PRA, which requires public records to be made available for inspection "promptly," and, in any event, requires a response regarding a request within seven business days. T.C.A. § 10-7-503(a)(2)(B). Failure to comply with that deadline "shall constitute a denial" entitling the requester to initiate court action. *Id.* § 10-7-503(a)(3).

The records requested by The Marshall Project and Ms. Thomas are subject to the PRA, and the MSCC's wholesale failure to respond to the Request is a violation of Tennessee law.

<sup>1</sup> <https://www.themarshallproject.org>

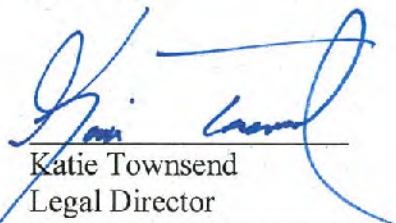
<sup>2</sup> <https://mlk50.com/>

As we would prefer to resolve this matter informally, we hereby request that the MSCC promptly comply with its obligations under the PRA. Specifically, we request that the MSCC provide all non-exempt records and portions thereof responsive to the Request, or a response as provided by T.C.A. § 10-7-503(a)(2)(B), no later than close of business on December 12, 2018. Absent a response by that date The Marshall Project and Ms. Thomas will consider all steps necessary to preserve their rights, including but not limited to filing an action pursuant to T.C.A. § 10-7-505 and seeking an award of costs and attorneys' fees.

Should you or anyone in your office wish to discuss the Request, please feel free to contact us; our contact information is below. Thank you in advance for your prompt attention to this matter.

The Marshall Project and Ms. Thomas reserve all rights.

Sincerely,



Katie Townsend  
Legal Director  
REPORTERS COMMITTEE  
FOR FREEDOM OF THE PRESS  
1156 15th St. NW, Ste. 1020  
Washington, DC 20005  
(202) 795-9303  
ktownsend@rcfp.org



Lucian T. Pera  
Partner  
ADAMS AND REESE, LLP  
6075 Poplar Avenue, Ste. 700  
Memphis, Tennessee 38119  
(901) 524-5278  
lucian.pera@arlaw.com

CC (via email): Bill Keller, Editor-In-Chief, The Marshall Project  
Wendi Thomas

# EXHIBIT A

Bill Gibbons, Brona Pinnolis, Linda Russell  
Memphis Shelby Crime Commission  
600 Jefferson Ave., 4th Floor  
Memphis, TN 38105  
wgibbons@memphis.edu  
bpinnolis@memphiscrime.org  
lrussell@memphiscrime.org

Nov. 6, 2018

VIA EMAIL

Re: Tennessee Public Records Act Request

Dear Mr. Gibbons, Ms. Pinnolis, and Ms. Russell:

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Pursuant to the PRA, I, on behalf of both myself and the Marshall Project, request access to and copies of the following records:

1. The three most recent Schedule B (Form 990 tax filing) documents, and all schedules and exhibits thereto, for the MSCC;
2. All analyses, reports, memoranda, or similar works prepared by K2 Intelligence and/or former NYPD Police Commissioner Raymond (Ray) Kelly, including but not limited to the K2 Intelligence report coauthored by Mr. Kelly containing suggested reforms for the Memphis Police Department;
3. All contracts between the MSCC or any of its employees and K2 Intelligence or Raymond Kelly, between July 1, 2016 and December 31, 2017;
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  - b. AutoZone
  - c. Baker Donelson
  - d. Baptist Memorial Healthcare Corp.
  - e. Dobbs Management Service

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<sup>1</sup> See <https://www.themarshallproject.org/about>.



- f. FedEx
  - g. First Horizon National Corp
  - h. Hyde Family Foundation
  - i. International Paper
  - j. Memphis Tomorrow
  - k. Methodist LeBonheur Healthcare
  - l. MAA
  - m. Monogram Food Solutions
  - n. Southeastern Asset Management
  - o. SunTrust Bank;
5. All emails, memos, or other forms of communication between any member of the MSCC Staff<sup>2</sup> or Board<sup>3</sup> and any employee of the City of Memphis, between January 1, 2016 and November 2, 2018, that reference or concern grants or transfers of money from the MSCC to the City of Memphis or any of its components (e.g., the Memphis Police Department);
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  8. All emails, memos, or other forms of communication between any members of the MSCC Staff, or between any member of the Staff and any member of the MSCC Board, between March 1, 2014 and November 2, 2018, that reference or concern the Citizens Law Enforcement Review Board (CLERB);
  9. All emails, memos, or other forms of communication between any member of the MSCC Staff or Board and any employee of the following entities, between January 1, 2016 and November 2, 2018:
    - FedEx  
Including but not limited to Terry Harris ([harris@fedex.com](mailto:harris@fedex.com))
    - AutoZone  
Including but not limited to Jerry Blum ([jerry.blum@autozone.com](mailto:jerry.blum@autozone.com)) and Lisa Kranc ([Lisa.Kranc@autozone.com](mailto:Lisa.Kranc@autozone.com))

---

<sup>2</sup> A list of the MSCC staff is available at <https://memphiscrime.org/our-team/> (hereinafter, the “Staff”)

<sup>3</sup> A list of the MSCC Board of Directors is available at <https://memphiscrime.org/board-of-directors/> (hereinafter, the “Board”)

—International Paper

—SunTrust Bank

Including but not limited to Johnny B. Moore ([johnny.moore@suntrust.com](mailto:johnny.moore@suntrust.com))

—First Tennessee Bank

—Plough Foundation

Including but not limited to Rick Masson ([rmasson@plough.org](mailto:rmasson@plough.org))

—Mid-America Apartment Communities, Inc.

—Memphis Light, Gas and Water Division (MLGW)

—American Residential Services

—Central Defense Security

—Baker Donelson

—The University of Memphis

Including but not limited to David M. Rudd ([drudd@memphis.edu](mailto:drudd@memphis.edu))

—Pyramid Peak Foundation

Including but not limited to Jim Boyd ([jboyd@pyramidpeakfdn.org](mailto:jboyd@pyramidpeakfdn.org))

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- a. Stuart Frisch, in his role with the Memphis Police Department and the Secure Community Network
- b. Toney Armstrong, in his role as police director
- c. Mason Hawkins, both in his role with Southeastern Asset Management and the Pyramid Peak Foundation.
- d. Phil Trenary, then executive director of the chamber of commerce ([ptrenary@memphischamber.com](mailto:ptrenary@memphischamber.com)).

Please provide all responsive records in electronic format.

If this request is denied in whole or in part, please justify all such denials by reference to a specific exemption. Please also ensure that all segregable portions of otherwise exempt material are released.

If you have any questions concerning this request please do not hesitate to contact me. I look forward to receiving your response within seven days, as required by the PRA.

Sincerely,

A handwritten signature in black ink that reads "Wendi Thomas". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

Wendi Thomas  
wendi.c.thomas@gmail.com

# EXHIBIT H

**From:** Bill Gibbons bgibbons@memphiscrime.org  
**Subject:** Re: Nov. 6 public records request on behalf of myself and The Marshall Proejct  
**Date:** November 28, 2018 at 4:46 PM  
**To:** Wendi Thomas wendi.c.thomas@gmail.com  
**Cc:** Brana Pinnolis bpinnolis@memphiscrime.org, Linda Russell lrussell@memphiscrime.org

---

BG

Wendi,

In response to your request, as we have stated in response to previous similar requests, the Memphis Shelby Crime Commission is a 501(c)(3) private non-profit entity and is not subject to the TN Public Records Act.

Your request was directed to three of us. Consider this to be a response on behalf of all three.

Bill Gibbons  
President  
Memphis Shelby Crime Commission

---

On Nov 6, 2018, at 10:34 AM, Wendi Thomas <[wendi.c.thomas@gmail.com](mailto:wendi.c.thomas@gmail.com)> wrote:

Bill Gibbons, Brana Pinnolis, Linda Russell,

Please see the attached public records request.  
<MSCC Request for records.pdf>

Best,

Wendi C. Thomas  
[wendi.c.thomas@gmail.com](mailto:wendi.c.thomas@gmail.com)

# EXHIBIT I





**MEMPHIS SHELBY CRIME COMMISSION**

600 Jefferson Ave. • Suite 400 • Memphis, TN 38105  
901.527.2600 • Fax 901.577-0286 • [www.memphiscrime.org](http://www.memphiscrime.org)

December 3, 2018

Ms. Kate Townsend  
Legal Director, Reporters Committee for Freedom of the Press  
1156 15<sup>th</sup> Street NW, Suite 1020  
Washington, D. C. 20005

Dear Ms. Townsend:

We are in receipt of your letter regarding the request made by the Marshall Project and Wendi Thomas.

To my knowledge, Ms. Thomas has made three (somewhat repetitious) requests to the Memphis Shelby Crime Commission, a 501(c)(3) private non-profit entity.

We have responded to all three requests.

Sincerely,

Bill Gibbons  
President

C.C. Lucian Pera  
Brona Pinnolis  
Linda Russell  
Ben Adams