

Item #: 32

Moved by: SUGARMON

Prepared by: Erika Sugarmon

Seconded by: FORD

Reviewed by: Marcy Ingram

ORDINANCE NO.: 554

ORDINANCE AMENDING CHAPTER II, ARTICLE V, DIVISION 2 OF THE SHELBY COUNTY CODE OF ORDINANCES TO ADD A SECTION ENTITLED "CITIZEN LAW ENFORCEMENT REVIEW COMMITTEE" FOR PURPOSES OF PERMITTING CIVILIAN REVIEW OF CERTAIN POLICING MATTERS INVOLVING THE SHELBY COUNTY SHERIFF'S OFFICE (SCSO). THIS ITEM REQUIRES AN EXPENDITURE OF \$300,000.00 FISCAL YEAR (FY) 2024 GENERAL FUNDS. SPONSORED BY COMMISSIONER ERIKA SUGARMON AND COMMISSIONER EDMUND FORD, JR.

WHEREAS, Officers involved deaths of unarmed civilians, e.g., George Floyd, have plagued the news and garnered nationwide calls for constructive conversation addressing racial equity and criminal justice reform; and

WHEREAS, Hitting closer to home, on January 7, 2023, the murder of another unarmed black man, Tyre Nichols, while in police custody, in Memphis, Tennessee, caused protestors across the country to protest his death and the ongoing systemic racism that appears to be woven into the fabric of the criminal justice system in the United States; and

WHEREAS, Violence against minorities, especially black people, by certain segments of the population has been a longstanding practice in the United States; and

WHEREAS, The Civil Rights Act of 1964 was adopted to curtail the violent, racist state-sanctioned antics against minorities who are unfairly targeted by authorities in the criminal justice system throughout this country; and

WHEREAS, Minorities, not only in history, but in our time, have been devalued and dehumanized by authorities in the criminal justice system; and

WHEREAS, In 2023, there has been approximately 25 officer-involved shootings in Tennessee, including four (4) in Shelby County, according to the Tennessee Bureau of Investigations (TBI)¹ and said statistic does not even include the TBI's investigation of at least seven (7) officers' use of excessive force in the untimely death of Tyre Nichols; and ²

WHEREAS, The unfortunate occurrences of use of force or deadly force between law enforcement officers and civilians has resulted in a significant loss of confidence in law enforcement by many citizens of Shelby County even still there have been numerous peaceful protests in Memphis, Tennessee, after officer-involved deaths; and

WHEREAS, In response to the public's outcry over the seemingly increased use of excessive force by civilian law enforcement agencies, the Shelby County Board of Commissioners has determined that there is a need for a county Citizen Law Enforcement Review Committee (CLERC); and

WHEREAS, The Shelby County Board of Commissioners desires to have CLERC assist the County by: (1) providing the citizen's perspective on SCSO's investigations regarding: (a) use of excessive force, (b) officer involved shootings or (c) critical injuries to citizens, and (2) reviewing citizens' complaints filed against SCSO's peace officers to assist the County with ensuring that the policies for investigating these types of incidents are conducted thoroughly with transparency and objectivity, all of which, will result in the

¹ <https://www.tn.gov/tbi/crime-issues/crime-issues/officer-involved-shootings.html>

² Shapiro, E. and Pereira, I. (Jan. 31, 2023). "7 officers involved in Tyre Nichols' death relieved of duty, 3 Memphis FD members fired." <https://abcnews.go.com/US/6th-officer-involved-tyre-nichols-death-relieved-duty/story?id=96764687/>

increase of public confidence in the SCSO's investigative reports and findings involving these types of incidents; and

WHEREAS, It is a duty of the government to protect both citizens and law enforcement officials who police and protect our County; and

WHEREAS, Shelby County Government is authorized to form a community law enforcement oversight committee pursuant to state law, i.e., Tennessee Code Annotated, Section 38-8-312; and

WHEREAS, The Shelby County Board of Commissioners is authorized to "adopt ordinances and resolutions governing the operation of government or regulating the conduct and affairs of the residents of the county...which is not in conflict with the Constitution or general laws of the State of Tennessee or [the] charter", pursuant to Article II, Section 2.01, of the Shelby County Charter; and

WHEREAS, The Shelby County Board of Commissioners hereby commits to funding the Shelby County CLERB in the amount of \$300,000.00 annually, for purposes of funding an Executive Director, as well as, other operational needs for CLERC; and

WHEREAS, The following provisions detailed in Exhibit A attached hereto and incorporated herein by reference will establish the general framework for the Shelby County CLERC.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That Chapter II, Article V, Division 2, of the Shelby County Code of Ordinances is hereby amended to add a Citizen Law Enforcement Review Committee as set forth in the provisions enumerated in Exhibit

A, which is attached hereto and incorporated herein by reference as if stated verbatim herein.

BE IT FURTHER ORDAINED, That an oversight review committee consisting of citizens appointed by the Mayor of Shelby County, subject to the approval of the legislative body, is hereby approved to be tasked with the duties and responsibilities as set forth in Exhibit A.

BE IT FURTHER ORDAINED, That the Shelby County Board of Commissioners hereby commits to funding the Shelby County CLERC in the amount of \$300,000.00 annually, subject to the availability of funding.

BE IT FURTHER ORDAINED, That if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent of the Shelby County Board of Commissioners to have passed the remainder of this Ordinance notwithstanding the part so held unconstitutional and void, if any.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect pursuant to Article II, Section 2.06(C) of the Shelby County Charter, the general welfare requiring same.



Lee Harris
County Mayor

Date: 7/5/2027

ATTEST:

Clerk of County Commission

FIRST READING: May 15, 2026

SECOND READING: June 5, 2023

ADOPTED
THIRD READING
AS AMENDED: June 26, 2023

CERTIFIED COPY

CLERK OF COUNTY COMMISSION

DATE 8/7/2023