

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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ACLU OF TENNESSEE, INC.,	)	
	)	
Intervening Plaintiff,	)	
	)	
v.	)	No. 2:17-cv-2120-JPM-egb
	)	
CITY OF MEMPHIS, TENNESSEE	)	
	)	
Defendant.	)	

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**REPORT REGARDING THE INDEPENDENT MONITOR’S NINETY-DAY GOALS  
AND JOINT REQUEST WITH THE PARTIES FOR STATUS CONFERENCE**

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This matter came before the Court for a hearing on Tuesday, April 23, 2019 (April 23 Hearing) (*see generally* ECF Nos. 189, 195), at which Independent Monitor Edward L. Stanton III made a report on the progress of the City to satisfy the sanctions imposed by the Court (*see* ECF Nos. 151, 152). Following the hearing, the Court ordered the Independent Monitor to submit by May 7, 2019, a list of goals to be accomplished within ninety (90) days—on or before July 24, 2019. (ECF No. 203.) The Court also ordered the Independent Monitor; Intervening Plaintiff ACLU of Tennessee, Inc.; and Defendant City of Memphis, Tennessee, jointly to confer and submit by May 7, 2019, three possible dates for a second hearing in August 2019. (*Ibid.*) Consistent with the Court’s Order, the Independent Monitor and the parties state the following:

**I.  
GOALS TO BE ACCOMPLISHED WITHIN THE NEXT NINETY (90) DAYS**

The Independent Monitor has been working closely with the City since his appointment by the Court in December 2018. (*See* ECF No. 176.) Summaries of the Monitoring Team’s efforts to date are reflected at ECF Nos. 197 and 205. Based on these efforts and cooperation

between the City and the ACLU-TN, the Monitor expects the following four goals, all of which were addressed at the April 23 Hearing, to be accomplished in the next ninety (90) days:<sup>1</sup>

- **GOAL 1:** The Monitor expects to finalize his review of new and revised Memphis Police Department (MPD) policies and training materials. Review and revision of those policies and materials already is in progress (*see generally* ECF Nos. 197 and 205). As part of this review, the Monitor will meet with Lt. Colonel David Rudolph, who oversees the MPD Training Academy,<sup>2</sup> and request interviews with the following: an appropriate sample of rank-and-file MPD officers in addition to the Command Staff and other senior leaders with whom the Monitor already has met; and other City and MPD personnel as appropriate. Relatedly, the Monitor expects to report within the next ninety (90) days about the establishment of a comprehensive, interactive training process and a timeline for comprehensive training for MPD officers on topics related to the *Kendrick* Consent Decree.
- **GOAL 2:** The Monitor expects to report the creation of a robust process for the approval of investigations that may incidentally result in the collection of First Amendment information. In partially granting summary judgment for the ACLU-TN on August 10, 2018, the Court explained that the City had failed to review and issue written authorizations for some lawful investigations of criminal conduct that may incidentally have infringed on First Amendment freedoms. (*See* ECF No. 120 at 31-33.) The third of the five sanctions that this Court has imposed on the City required the City to “establish a [written] process for the approval of investigations into unlawful conduct that may incidentally result in political intelligence” as set out by § G of the Consent Decree. (ECF No. 152 at 3.) On January 14, 2019, the City submitted to the Court a set of guidelines and an authorization form to address this deficiency. (*See* ECF No. 197, PageID 6848-49.) Both the ACLU-TN and the Monitoring Team have offered feedback regarding those documents, and the City continues to refine them in response to that feedback. This process should be complete within ninety (90) days.
- **GOAL 3:** The Monitor expects to submit *in camera* or file under seal, as the Court prefers, an auditing and compliance program that includes an auditing methodology and protocols and considers the safeguards will ensure ongoing compliance with the *Kendrick* Consent Decree.

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<sup>1</sup> The parties and the Monitor will agree on internal deadlines to allow time for any unresolved issues to be presented to the Court before the expiration of ninety (90) days.

<sup>2</sup> This meeting has been scheduled for Tuesday, May 7, 2019, at 1:00 P.M.

- **GOAL 4:** The Monitor expects to implement a plan for soliciting public input as to the City's efforts to comply with the *Kendrick* Consent Decree. The Monitor and the parties jointly will prepare and present the plan to the Court no later than May 23, 2019. Consistent with testimony at the April 23 hearing, the plan may include focus groups and town-hall style meetings, and all public engagement will be preceded by appropriate notice and held in spaces that are easily accessible to the public. Information about public-engagement opportunities also will be available on the Monitoring Team Website, which the Monitor expects to be live within the next ninety (90) days.

**II.**  
**PROPOSED DATES FOR AUGUST 2019 HEARING**

After conferring as Ordered by the Court, the parties and the Monitor propose the following dates for the August 2019 hearing in this matter:

- August 9, 2019;
- August 27-30, 2019; and
- September 4-6, 2019, if neither of the August options accommodates all parties and the Court.

The parties, the full Monitoring Team, and counsel are available on all dates and will be present for the hearing.

**III.**  
**CONCLUSION**

The Monitor and the parties look forward to appearing before the Court again in August or September upon a date to be determined by the Court.

RESPECTFULLY SUBMITTED, this 7th day of May 2019,

/s/ Edward L. Stanton III  
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