CITY OF MERIDIAN
COMPLIANCE REPORT AND ACTION PLAN
I. **Introduction**

This is the first compliance report and Action Plan of the City of Meridian, prepared pursuant to the settlement agreement between the City of Meridian and the United States in the matter of *United States v. City of Meridian, et al.* (Civil Action No. 3:13-CV-978-HTW-LRA).

In June 2015, the City of Meridian ("the City") and the United States Department of Justice ("Justice Department") reached an agreement to resolve the United States' investigation and litigation regarding the City's handling of youth referred for law enforcement by public schools. The investigation and subsequent litigation included the Lauderdale County Youth Court ("Youth Court"), the State of Mississippi ("the State"), and the Mississippi Department of Human Services Division of Youth Services (DYS). While City and the State have reached settlements with the Justice Department, litigation regarding the Youth Court and its two judges continues was recently dismissed by the Court.

In March 2016, the Court selected Rodney Monroe and the Police Foundation as the Independent Auditor(s) for the Meridian Police Department (MPD) in Civil Action No. 3:13-CV-978-HTW-LRA. The Auditor is tasked with working with the Meridian Police Department to ensure compliance with provisions outlined in the Settlement Agreement associated with the case. Chief (ret.) Monroe and the Police Foundation have held conference calls, made materials requests, and reviewed MPD documentation to begin to better understand the current level of compliance with Settlement Agreement provisions. On July 17-20, 2016, Chief Monroe, and members of the U.S. Department of Justice made the first compliance review site visit to Meridian, Mississippi and the Meridian Police Department.

1. This report addresses the agreement reached between the City of Meridian and the United States ("the parties") regarding referral of juveniles to the Meridian Police Department and School-Based arrests.

2. The agreement requires the City to develop reports regarding compliance with this Agreement and providing such reports to the United States and the Independent Auditor every six months. The City shall submit a bi-annual compliance report to the United States and the Independent Auditor. Each bi-annual compliance report submitted by the City shall describe the actions it has taken during the reporting. To the extent any provision of this Agreement is not being implemented, the compliance report shall also describe what actions, including any additional revisions to policies, procedures and practices, the City will take to ensure implementation, and the date(s) by which those actions will be taken.
II. Compliance Report and Action Plan

Policies and Procedures

1. Within 90 days of the effective date, Meridian Police Department shall have adopted practices, policies, procedures and training consistent with the principles below:

   a. Officers shall only conduct school-based arrests of juveniles under the following circumstances:

      (i) Officers have probable cause, to the extent required by law, to believe that a juvenile has committed a felony; or
      (ii) A criminal offense that involves a real and immediate threat to students, teachers, or public safety; or
      (iii) A misdemeanor or other indictable offense occurs in the officer’s presence, except for offenses identified in (iii)(a); or
      (iv) A judicial warrant or custody order specifically directs the arrest of a student in a school.

   b. Officers shall avoid executing a judicial warrant at a school. A felony warrant may be executed at a school when it is not practical to conduct the arrest at alternative locations.

   c. Officers shall not respond to requests for school-based arrests for behavior that is appropriately addressed as a school discipline issue, including incidents involving:

      (i) Public order offenses including disorderly conduct, disruption of schools or public assembly, trespass, loitering, profanity, dress code violations, and fighting that does not involve serious physical injury or a weapon.
      (ii) Officers must document in sufficient detail the basis for any school-based arrest, including any factors that justify arresting the youth at school and factors that support a determination of probable cause:

         1. Officers must provide Miranda warning as soon as a juvenile is placed in a situation where a youth, based on the youth’s mental and psychological maturity, would reasonably believe they are free to leave.

         2. Officers must notify the juvenile’s guardian of the arrest as soon as practicable, generally no more than three hours after the arrest. If a parent is not notified within three hours, the arresting officers must
document, in writing, the reason for the delay.

3. Officers shall only interview a detained youth in the presence of the juvenile’s guardian or attorney.

**Progress:** Compliance in this area is substantially complete. The City and the Justice Department have memorialized changes to MPD policies and procedures related to School-Based arrests.

The City has identified the following objective tasks to gain compliance in this area: 1.) Amend current Meridian Police Department (“MPD”) policies regarding school based arrests, 2.) Adopt, circulate and train based on amended procedures.

The City has drafted and adopted a Revised School-Based arrest policy (GO-98-022). The revised policy was adopted by the City Counsel and implemented by the MPD. A copy of said policy is attached hereto. The MPD has conducted training on the revised policy between October 30, 2016 and January 25, 2017. Training on revised policy will continue. There have been no School-Based arrests since the implementation of the settlement agreement or the amended policies.

**Action Plan:** Compliance Substantially Complete. Continue training to maintain compliance.

**Training**

2. Meridian Police Department shall provide officers with pre-service and annual in-service training regarding interactions with juveniles while on Meridian Public School District premises, including de-escalation techniques, conflict resolution, child and adolescent development, and age appropriate responses and bias-free policing.

- This training shall be conducted by qualified instructors.
- MPD shall provide roll call trainings regarding these policies as needed.
- MPD shall document that all officers have received the required training.

**Progress:** The City has substantially complied with the training requirements set out in the settlement agreement. The City has been working with the Independent Auditor and the Justice Department to identify qualified and affordable trainers to offer assistance in the area delineated in the settlement agreement.

The City has identified the following objective tasks to gain compliance in this area: 1.) Identify Competent and affordable professionals to assist in training, 2.) Conduct training in the areas of De-escalation, child/adolescent development and bias-free policing, 3.) continue training to maintain compliance.

The MPD conducted De-escalation and Child/Adolescent Development Training with Dr. Lee Marlow of Weems Mental Health on June 13-14 of 2017. All MPD officers were present and underwent 4 hours of training in the above mentioned areas. The MPD plans to participate in future
training in this area to maintain compliance.

The MPD conducted Bias-Free Policing training on October 24-25 of 2017 with Jennifer P. Davis and Associates, LLC. All MPD officers were present and underwent 4 hours of training in the above mentioned areas. The MPD plans to participate in future training in this area to maintain compliance.

The MPD will continue training on an annual basis to maintain compliance with the settlement agreement.

**Action Plan:** Continue training on an annual basis to maintain compliance.

**Citizens’ Complaints**

3. Within six months of the effective date, MPD shall ensure that an effective process is in place to consider complaints regarding MPD conduct in the schools, including school-based arrests. MPD shall ensure that community members, including students, parents and guardians, have access to complaint forms to express concerns about MPD. To achieve this outcome, MPD shall ensure that complaint forms are available from the MPD and at City Hall, public libraries, and police stations. MPD shall also make the complaint form available on its website and work with MPSD to make forms available in schools.

   a. MPD shall specifically track complaints arising from school-based arrests.
   b. MPD shall routinely assess the need for improvements to its training based on these complaints.
   c. Officers who violate MPD’s juvenile arrest policies shall be held accountable through the department’s disciplinary system.

**Progress:** The City has substantially complied with the requirements regarding citizens’ complaints set out in the settlement agreement. The City has been working with the Independent Auditor and the Justice Department to draft civilian complaint forms and track information received from Citizens regarding school-based arrests.

The City has identified the following objective tasks to gain compliance in this area: 1.) Draft Citizen Complaint form specific to instances involving school-based arrests, 2.) incorporate Citizens complaint framework in Internal Affairs policy, 3.) make Citizen complaint forms available to the general public.

The City has created a new citizens’ complaint form which specifically pertains to school based arrests. A copy of the citizens’ complaint form is attached hereto. The Office of Internal Affairs has been briefed on the new complaint forms and is able to track information received from the forms for future reporting. The MPD Internal affairs policy (GO-989-033) has been revised to address the new complaint process with regard to School-Based arrests. A copy of the revised policy is attached hereto. The City has made the complaint forms available to the public by placing copies of the forms at City Hall, the Meridian Police Department and the Meridian Public Library. Additionally, citizens are able to access the complaint forms and file complaints on the City of
Meridian and Meridian Police Department websites. Lastly, officers and other MPD personnel have received training on the revised policy and will continue to receive training to maintain compliance.

The City has yet to receive any complaint regarding School-Based arrests since the implementation of the new complaint forms. The City will continue to monitor complaints relevant to school-based arrests.

**Action Plan:** Compliance Substantially Complete. Continue make complaint forms available to public and monitor feedback for future reporting.

**Data Collection**

4. **MPD shall collect statistical data on the number of juveniles referred to the MPD by the MPSD and the number of arrests that arise out of behavior allegedly occurring in the Meridian public schools or at school events, including age, race, gender, and alleged misconduct.**

   a. **This data shall be made public on the City’s website on a semi-annual basis.**

**Progress:** The City has substantially complied with the requirements regarding data collection set out in the settlement agreement. The MPD has been supplying the Independent Auditor with monthly reports that list all calls for service from the Meridian Public School District (“MPSD”) and will continue to supply such information in the future on a monthly or quarterly basis.

The City has identified the following objective tasks to gain compliance in this area: 1.) compile and provide historic arrest and call records to the independent auditor related to school based arrest, 2.) create framework for continued data collection and production.

The City has supplied monthly reports to the Independent Monitor and Justice Department related to School-Based arrests. The Independent Monitor and Justice Department has sought and been provided additional information on specific cases. The Independent Auditor and Justice Department have not identified any actions in violation of the settlement agreement or the newly adopted School-Based arrest policy.

**Action Plan:** Compliance Substantially Complete. MPD and City will continue to supply statistical information as required under the settlement agreement.

**Memorandum of Understanding**

5. **Within 90 days of the effective date, the City shall seek a Memorandum of Understanding (MOU) between the MPSDPD and the MPD that delineates authority and specifies procedures for effectuating arrests of students while on school grounds.**

**Progress:** The City has substantially complied with the requirement of entering into a
Memorandum of Understanding (MOU) with the Meridian Public School District Police Department.

The City has identified the following objective tasks to gain compliance in this area: 1.) consult/collaborate with the MPSPD to create a MOU to address the role of various agencies in effectuating School-Based arrests, 2.) execute and adopt proposed MOU, 3.) educate/train MPD officers on parameters of proposed MOU.

On numerous occasions, the MPD officials have met with members of the MPSD school board and the MPSDPD to create a framework for a MOU between the MPD and MPSDPD. A MOU was created and ultimately adopted by the Meridian City Council and the MPSD School Board. A copy of the MOU is attached hereto.

The MPD has circulated a copies of the MOU to all officers and in-service training has been conducted further educate officers on the parameters from the MOU. The MOU parameters have been incorporated in GO-989-033 and GO-98-022.

**Action Plan:** Compliance Substantially Complete. MPD and City will continue to educate and train its officers in accordance with the parameters of the MOU.

**Community Input Meeting**

6. Within six months of the effective date, the City, in consultation with the Police Independent Auditor and the United States, shall develop and implement a community input program to keep the community informed about the progress of its reforms as outlined herein and to hear ongoing community questions and concerns regarding the implementation of this consent decree. The community input program shall include a process for receiving and responding to input from interested members of the community.

   a. The community input program shall require at least one open community meeting every six months for the duration of this Agreement. A representative for the City shall be required to attend the open meeting so long as this Agreement is in place. A representative for the US will also attend. The open meetings shall inform the public about the requirements of this Agreement, the City’s progress in each substantive area of the Agreement, and address community concerns related to the implementation of this agreement. The meetings shall be held in a location that is accessible to the public. At least one week before the open meetings, the City shall widely publicize the meetings using print media, radio, and the Internet.

   b. The community meetings shall include summaries of the Action Plan and Compliance Reports required by this Agreement during the period prior to the meeting and any policy changes or other significant actions taken as a result of this Agreement. The City shall make any written summary of policy changes or other significant actions taken as a result of this Agreement publicly available on a public website they create or maintain.
**Progress:** The City has partially complied with the requirement of Conducting Community Input Meeting with the Citizens of the Meridian in regard to the MPD’s role in the effectuation of School-Based arrests.

The City has identified the following objective tasks to gain compliance in this area: 1.) Develop a community input plan, 2.) provide notice to Citizens of Meridian in the Meridian Star, on the internet and on local radio stations, 3.) conduct Community Input and document feedback received from meetings.

In November of 2016, the City developed a Community Input Plan. A Copy of the Community Input Plan is attached hereto. On December 8, 2016, the City conducted its first community input meeting at Mount Olive Baptist Church. Prior to the meeting, the City provided notice in the newspaper, on the radio and through flyers. Approximately 42 citizens appeared and participated in the meeting. Concepts in the Settlement Agreement and the City’s progress toward compliance were discussed at the meeting. Citizens were allowed to fill out a survey and provide anonymous comment. All surveys were documents and provided to the Independent Auditor.

The City is conducting its second Community Input Meeting on October 26, 2017. Notice of the meeting has been published in the Meridian Star, on the radio and through flyers. The Meeting will take place at Mount Olive Baptist Church.

The City is in the process of posting all proposed policy changes outlined herein in the City of Meridian’s website.

**Action Plan:** Compliance Partially Complete. MPD and City will continue to organize Community Input Meetings and gain feedback from the community on issues related to the Settlement Agreement.

**III. Conclusion**

Significant progress has been made by the City and the MPD toward gaining full compliance with the parameters in the Settlement Agreement. The City is substantially compliant with the majority of requirements set forth in the Settlement Agreement.
Appendix A
I. PURPOSE

The purpose of this Order is to establish and define a uniform Department policy regarding the arrest of juvenile offenders on property owned and operated by the Meridian Public School District ("MPSD"). It is the intent of this Department that all School Based Arrest be dealt in accordance with applicable state statutes, the constitutional rights of Juvenile offenders and a certain Settlement agreement entered into by The City of Meridian and the United States Department of Justice in Civil action No. 3:13-CV-978-HTW-LRA (U.S District Court for the Southern District of Mississippi)

II. DEFINITIONS

A. Juvenile Offender- Generally speaking and based on Mississippi Law is a person who is at least 13 years of age and under 18 years of age and who has committed a delinquent act.

B. School-Based Arrest- means an arrest of a juvenile offender on property controlled by the Meridian Public School District while the juvenile offender is attending school. This definition includes the arrest of juvenile offenders at school programs or events and the arrest of juvenile offenders being transported to and from school on buses controlled by the Meridian Public School District. This definition does not include the arrest of juvenile offenders at events that are advertised to the general public or involve students from other schools.

C. "Guardian" refers to a parent, legal guardian or other responsible family member of the youth.

D. "Judge," "Judges," "Youth Court Judge," "Youth Court Judges," or "Youth Court" means the Judges of the Lauderdale County Youth Court.

F. "Referral" shall mean any request for law enforcement action by the Meridian Public School District.

III. SCHOOL BASED ARRESTS

A. Officers shall only conduct school-based arrest of juvenile offenders under the following circumstances:

1. Officers have probable cause, to the extent required by law, to believe that a juvenile has committed a felony; or

2. A criminal offense that involves a real and immediate threat to students, teachers or public safety; or

3. A misdemeanor or other indictable offense that occurs in officer's presence, except those identified in (c)(1); or

4. A judicial warrant or custody order specifically directs the arrest of a juvenile offender while attending school.

B. Officers shall avoid executing a judicial warrant at a school. A felony warrant may be executed at a school when it is not practical to conduct the arrest at alternative locations.

C. Officers shall not respond to requests of school-based arrests for behavior that is appropriately addressed as a school discipline issue, including incidents involving:

1. Public order offenses including disorderly conduct, disruption of schools or public assembly, trespass, loitering, profanity, dress code violations, and fighting that does not involve serious physical injury or a weapon.

D. Officers must document in sufficient detail the basis for any school-based arrest, including any factors that
justify arresting the youth at school and factors that support a determination of probably cause:

1. Officers must provide a Miranda warning as soon as a juvenile offender is placed in a situation where the juvenile offender, based on the juvenile offender’s mental and psychological maturity, would reasonably believe they are not free to leave.

2. Officers must notify the juvenile offender’s guardian of the arrest as soon as practicable, generally no more than three hours after the arrest. If a parent is not notified within three hours, the arresting officer must document, in writing, the reason for the delay.

3. Officers shall only interview a detained juvenile in the presence of juvenile’s guardian or attorney.

E. Members who violate elements of the School Based Arrest policy will be held accountable through the Department’s Disciplinary System.

F. All Citizen Complaints originating from an officer’s conduct in the schools, including school based arrest will be documented, investigated, and tracked by a supervisor and/or Internal Affairs.

IV. EFFECTIVE DATE

This order effective 9/1/16

Benny Dubose
Chief of Police

Distribution: All Personnel
Master File
This order consists of the following numbered sections:

I. Definitions
II. Command of the Office of Internal Affairs
III. Employee Rights
IV. Employee Responsibilities
V. The OIA Unit
VI. Initial Filing of Complaint
VII. Investigation
VIII. Administration of Discipline
IX. Emergency Action
X. Disciplinary Action/Appeal Process

Purpose: This directive sets forth policies and procedures regarding the reporting and investigation of citizen complaints, including those relating to school-based arrests, and the disciplinary process including summary punishment, emergency suspension and administrative leave. The comprehensive format includes the Administrative Hearing procedures. (Sample forms pertaining to the investigative and disciplinary processes are also included).

Policy: A relationship of trust and confidence between the Department and the community is essential to effective law enforcement. Officers must be free to exercise their own judgment and take enforcement action without fear of reprisal. It is therefore important to establish a disciplinary process which enables the Department to initiate positive, corrective action for improper conduct while protecting the officer from unwarranted criticism for properly discharged duties. It is the policy of this Department to provide a thorough, fair and expeditious disposition of complaints regarding the conduct of Department employees.

Furthermore, it is the policy to invite citizens to bring to the attention of the Department complaints about the conduct of its employees whenever that citizen believes the employee acted improperly.
Complaints will be received courteously, and the Department will make efforts to ensure that no adverse consequences occur to any person as a result of having brought what they believe to be a legitimate complaint or information to our attention. All complaints will be investigated in accordance with the procedures described herein. The complaint disposition will be made, consistent with the obligation of providing an equitable process for all parties involved. The procedures enumerated below apply to allegations of misconduct against employees of the Department, both on duty and off duty.

I. Definitions:

A. School-Based Arrest- Means the arrest of a student on property controlled by the Meridian Public School District while the student is attending school. This definition includes the arrest of students at school programs or events and the arrest of juveniles being transported to and from school on buses controlled by the Meridian Public School District. This definition does not include the arrest of juveniles at events that are advertised to the general public or involve students from other schools.

B. Shall- imposes a mandatory duty.

C. Employee- Any person compensated by the agency for work, including interns.

D. Interrogation- An exchange in which a party is unwilling or reluctant to exchange information with interviewer, or is being questioned about a potential infraction.

E. Internal Affairs Investigator- an MPD officer assigned to investigate incidents and plausible suspicions of law-breaking and misconduct attributed to officers on the force.

F. Major Infractions- Violations of rules, instructions, or regulations that constitute serious offenses against persons and property and pose a serious threat to institution order and safety. Examples include excessive force, neglect of duty, corruption, and the commission of a criminal act.
G. Minor Infractions- Violations of rules, instructions, or regulations that do not represent serious offenses against persons and do not pose a serious threat to institution order and safety. Examples include tardiness, uniform/equipment violations, and small omissions of assignments.

II. COMMAND OF THE OFFICE OF INTERNAL AFFAIRS

A. The OIA and officers assigned to same shall be under direct command and control of the Chief of Police and shall act with the advice of the City’s designated civil attorney.

B. Officers of the OIA shall extend normal due courtesies to employees senior to themselves; however, at no time shall employees exercise their rank or position to influence, in any manner, an internal investigation or functions of the Unit. Any such attempts shall be reported to the Chief of Police immediately.

C. In addition, officers assigned to OIA shall have the authority to receive and investigate all complaints associated with MPD members conduct within the Meridian Public Schools, including School-Based arrests.

III. EMPLOYEE RIGHTS

A. Police Department employees enjoy the same constitutional rights afforded any other citizen of the United States and shall not be intimidated during internal investigations, not shall their constitutional rights be violated in any manner. The following rights shall be afforded a police officer or employee while under investigation for alleged acts of misconduct.

1. Any complaint alleging major infractions as to require formal investigation by OIA shall be sworn to before a Notary Public.

2. Complaints involving School-Based arrests need not be sworn to before a Notary Public in order to require formal investigation.

3. The interrogation shall be conducted while the officer or employee is on duty unless the
allegation alleges a major infraction
as to require immediate action. Should an
officer or employee be summoned to OIA while in
off duty status, he or she shall be given
choice of pay or scheduled flex time consistent
with prevailing Departmental orders.

4. Prior to commencement of an interrogation,
which must be a part of a thorough
investigation, the officer or employee shall be
informed in writing by the Chief, of the nature
of the allegations and the names of the
complainants. The officer or employee may,
within five days thereafter, review the sworn,
written allegations. If the allegation is tape
recorded, the right of review also applies.

5. The officer or employee under investigation
shall be informed, prior to the commencement of
an interrogation, as to who is in charge of the
investigation of the allegation against
him/her.

6. All interrogations conducted by the OIA Unit
shall be recorded. The subject of the
investigation may review one time such
recordings upon written request.

7. Interrogating sessions shall be of reasonable
periods with time afforded for adequate rest
periods when requested by the person being
interrogated.

8. Prior to the commencement of any interrogations
of the accused subject of the investigation, he
or she shall be informed of his/her
constitutional rights as guaranteed by the
Fourth, Fifth and Fourteenth Amendments and
afforded the rights there under.

8. During the course of an investigation, an
officer or employee shall not be threatened
with transfer, dismissal or disciplinary action
as the result of exercising his or her
constitutional rights.

9. In lieu of counsel, the accused officer or
employee may have a departmental representative
of his or her choice present during an
interrogation. This must be at the request of the employee under investigation.

10. An officer or employee shall not be required to testify before or be interrogated relevant to allegations that could result in criminal prosecution against him/her, by any entity against his or her will.

B. Interrogation of Officers Under Investigation

1. Notification

The law enforcement officer under investigation shall be informed in writing of the nature of the investigation prior to any interrogation (Appendix 6). Upon completion of the investigation, the law enforcement officer shall be notified of the name of any witness not less than ten calendar days prior to any hearing.

Once an apparent violation is discovered and the supervisor's investigation focuses on a particular officer, the Internal Investigation Notification Form shall be executed prior to interrogation of that officer.

2. Representative at Interrogation

At the request of any law enforcement officer under interrogation, the officer shall have the right to be represented by counsel or any other responsible representative of his/her choice who shall be present at all times during the interrogation, unless waived by the law enforcement officer. The interrogation shall be suspended for a period of time not to exceed three calendar days until representation is obtained. However, the Chief or designee may, for good cause shown, within that three calendar day period, extend the period of time.

3. Record of Interrogation

A complete record, whether written, taped or transcribed, shall be kept of the complete interrogation including all recess periods. Upon completion of the investigation and upon written request of the law enforcement officer under investigation or
his/her counsel, made not less than 10 days prior to any hearing, a copy of the record of his/her interrogation shall be made available.

4. Time, Place and Manner of Interrogation

a. The interrogation shall take place either at the officer of the command of the investigating officer or at the office of the police unit in which the incident allegedly occurred, as designated by the investigating officer. Unless otherwise waived by the law enforcement officer, or at any place reasonable and appropriate place.

b. The interrogation shall be conducted at a reasonable hour, preferably at a time when the officer is on duty, unless the seriousness of the investigation is of such a degree that an immediate interrogation is required.

c. Interrogating sessions shall be for reasonable periods and shall be timed to allow for any personal necessities and rest periods as are necessary.

d. The officer under interrogation may not be threatened with transfer, dismissal or disciplinary action subject to Article X of the Civil Service Commission Rules and Regulations.

e. The officer under investigation shall be informed of the name, rank and command of the officer in charge of their investigation, the interrogating officer and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one interrogator during any one interrogating session.

5. Required Interrogations and Tests

This directive does not prevent any law enforcement agency from requiring an officer under investigation to submit to blood alcohol test, blood, breath or urine tests, or
interrogations which specifically relate to the subject matter of the investigation. This directive does not prevent any law enforcement agency from commencing any action which may lead to a punitive measure as a result of a law enforcement officers refusal to submit to a blood alcohol test, blood, breath or urine tests after having been ordered to do so by the law enforcement agency. The results of any blood alcohol, blood, and breath or urine test for controlled dangerous substance, as may be required by the law enforcement agency under this directive are not admissible in any criminal proceedings against the officer when the officer has been ordered to submit thereto.

6. Rank

During an internal investigation, any officer may be ordered by the investigator to submit a statement and or answer all questions which specifically relates to the subject matter of the investigation regardless of the relative rank of the officers involved. Subject officers who are compelled to provide a statement about a potentially criminal matter under threat of job loss will be issued a Garrity warning.

7. Reports

Reports of internal investigations, including witness' statements, are to be considered extremely confidential material. Authorization for access to these reports can only be granted by the Chief of Police.

C. No Polygraph Examinations

No officer/employee of the Police Department shall be required to take a polygraph examination relative to any allegations.

D. Guidelines for Medical Examinations, Photographs and Lineups

Upon the order of the Chief or the Chief's designee, employees shall submit to any medical, ballistics, chemical or other tests, photographs, lineups or psychological testing. All procedures carried out under this subsection shall be specifically directed
and narrowly related to a particular internal investigation being conducted by the department.

E. Procedure to be followed when a lawsuit is filed against Police Officers

Any time a police officer or other employee has been sued as a result of his/her action as a police officer or employee, he or she must take all served and related papers immediately to the Chief or his designee. The Chief or is designee shall immediately take same to the CAO or Risk Manager.

It is important that the City receive the complaint so it will know when this complaint has to be answered and so that insurance companies may be notified.

No police officer or employee is to accept papers for another officer or employee at any time.

F. Process for Non-Sworn members

The disciplinary process pertaining to non-sworn members is enumerated in the City Civil Service Rules and Regulations.

IV. EMPLOYEE RESPONSIBILITIES

All employees of the department shall abide by the following procedure if they become involved in incidents subject to investigation by the OIA, incidents involving misconduct in any form or an allegation of same.

A. Every employee shall cooperate fully with the persons conducting the internal investigation.

B. All allegations against employees of the Department shall be made on the proper Grievance Form (Appendix 1) and those received by employees other than members of the OIA shall be transcribed onto the Grievance Forms. The aforementioned Grievance Form shall be submitted to OIA within twenty-four hours of receipt or the next working period for OIA. The person submitting a proper form complaint shall retain a receipted copy from an officer of OIA.

C. Employees other than the members of the Unit shall not conduct investigations of other employees unless directed or approved by the officer in charge of
OIA or his superior. Exceptions to this provision are:

1. Complaints arising from a difference in opinion between police officers and citizens over traffic citations which would normally be resolved in a court of law, if this is the only allegation or complaint.

2. When an allegation or infraction does not involve persons outside of the department and are minor infractions, Commanding Officers or Supervisors shall have the responsibility to take corrective action. Some, but not necessarily all, examples are listed below:
   a. Minor omissions of assignments.
   b. Personal appearance, uniform and equipment violations.
   c. Tardiness or absenteeism.
   d. Minor violations of departmental regulations not involving any other person or employee.

D. Officers of the OIA unit are on a full-time recall basis. Any time an allegation is received after normal working hours of the unit and is deemed major infractions, the officers of the unit shall be recalled via the dispatcher of the Police Department. Recall shall be approved by the Chief or designee.

V. THE OIA UNIT

A. Upon receipt of a complaint and determination by departmental leadership that an investigation is necessary, the complaint shall be assigned an Internal Investigations Unit Case number. All complaints regarding MPD conduct in schools, including School-Based arrests, shall be documented and investigated.

1. The complainant shall be sworn to affirm the complaint. Except in cases regarding MPD conduct in schools, including School-Based arrest complaints.

2. A case file will be compiled and maintained of all evidence of each complaint.
3. Interviews or interrogations will be conducted in accordance with Part III of this Procedure.

4. Evaluation will be made of all complaints received and determination made of the appropriate OIA officer to conduct the Investigation.

5. Assistance will be rendered, as OIA requested or deemed necessary, by all Command, Supervisory and other personnel.

B. OIA Special Notification Procedures

At all times, an Internal Affairs investigator will be available through the unit commander under the guidelines of this directive.

1. An OIA investigator shall be promptly notified under the following circumstances:

   a. Any time an employee is involved in one of the following circumstances:

      i. When an officer shoots an individual, whatever the circumstances.

      ii. When an officer is charged with a criminal offense.

      iii. When an officer is the operator of a vehicle involved in a fatal accident.

   b. Anytime there is an allegation of criminal activity on the part of an employee where police investigation is necessary regardless of jurisdiction of occurrence.

   c. Any discharge of a weapon by an on duty police officer, which is not authorized by the use of force policy or the Animal Control ordinance.

   d. Any incident where an executive officer or officer in charge of the district of occurrence feels an immediate administrative investigation is necessary or where so directed by the Chief of Police or his designee.
2. When the circumstances are such that a notification of OIA is necessary, the notification will be effected by an executive officer by direct contact with the OIA during business hours or by utilizing the on call list of OIA investigators available during off duty hours. Any doubt should be resolved in favor of making the notification. Once notification is made, the responsibility for the administrative investigation lies with the OIA investigator. If an executive officer is unavailable, the responsibility will revert to the senior ranking officer on the scene of the event.

3. Upon notification, it will be the discretion of the OIA investigator who is the officer in charge of OIA as to whether he will immediately respond or follow-up at a later time. The OIA investigator will apprise the notifying officer of his decision. The responsibility of any traffic or criminal investigation rests with the appropriate unit. When possible, the CIA investigator will conduct a concurrent investigation which mandates inter-unit cooperation. This will minimize the inconvenience to victim and witnesses. Interrogations of accused officers by OIA investigators will be done independently of any other interrogation. OIA investigators will not involve themselves in the interrogation of accused officers conducted by other units.

4. The officer in charge of OIA shall maintain a current and continuous list of on-call OIA investigators. This list will be accessible to all unit commanders.

C. Investigations, as requested by an employee who feels threatened by a false accusation, will be conducted.

D. Notification and Confidentiality

1. The Chief shall ensure that the complainant and the accused employee are notified in writing of the findings and recommendations of each step of the unit.
2. The Chief or designee and officer in charge of OIA shall ensure that all investigations will be processed in a confidential manner, exposing the product of same only to proper authorities and information shall be acquired only by lawful means and procedures.

E. Investigation of Complaints

1. The officer in charge of OIA will use the following guidelines in determining whether the investigation will be conducted by the OIA or by the individual's commanding officer:

   a. Type of complaint.

   b. Source of complaint.

   c. Number of individuals involved (accused and or witnesses).

   d. Whether or not the accused officers are assigned to the same unit.

   e. Jurisdictional limitations.

   f. Underlying indications of graft, corruption or other major infractions.

   g. Any other related matter that would dictate assignment.

   h. A complaint regarding MPD conduct in schools, to include School-Based arrests.

In addition, the following principles will serve as guidelines for the officer in charge of OIA when determining investigative responsibility:

   a. Discipline is a command responsibility and

   b. Minor infractions should be investigated at the lowest possible level.

2. OIA Log ("School-Based Arrests")
An OIA log will be maintained to record all complaints regarding MPD conduct in schools, including School-Based arrests. This log will include the following information:

a. The name of accused employee(s)
b. Name of complainant
c. District of complaint
d. Nature of complaint
e. OIA control number
f. Date complaint received
g. Date and time of incident
h. Unit assigned to investigate
i. Disposition

3. Cases Assigned to Units

Unit commanders assigned cases by the OIA may assign an executive officer or supervisor under his command to conduct the investigation.

If after investigation, the case is sustained and the Chief or designee feels that summary punishment is an appropriate remedy for the violation, the Chief or designee will include a recommendation for a specific summary punishment within the report.

Upon completion of the investigation, the report will be forwarded to the Chief or designee for action.

4. Cases Assigned to OIA

When a complaint is to be handled by OIA, the officer in charge will assign an investigator from OIA to conduct an investigation and obtain any documentary evidence. After completing the investigation, an internal report will be written which the officer in charge of OIA will review and forward to the Chief of Police.

5. Internal Reports and Case Findings

All internal reports will include:

a. the allegations; and

b. a report of investigation detailing the facts obtained. (See Appendix 2 and Appendix 5).
VI. INITIAL FILING OF COMPLAINT

A. Citizen Complaints

1. Citizens are encouraged to use the Grievance Form (Appendix 1) to document their complaints alleging misconduct. The Meridian Police department shall ensure that Grievance Forms along with the Citizen Complaint Information Form (Appendix 4), are readily available to the general public. Specifically, the Meridian Police Department shall ensure that Grievance Forms are available at public locations such as City Hall and at all police precincts. Further, the Meridian Police Department shall ensure that an electronic copy is available via the MPD website. A citizen desiring to complain about an employee of the Department whether in person or by telephone, will be referred to the on duty supervisor. Complaints involving major infractions and MPD conduct in schools, including school-based arrests, should be documented in written form by the complainant and handled in accordance with Part V. If the complainant refuses to document the complaint, and the allegation, if factual, would constitute misconduct, the receiving officer will document the complaint.

2. Documented complaints must be forwarded to the OIA and include the following information:

   a. The date, time and location of incident.

   b. The name, address and telephone number of any witnesses.

   c. The details of all circumstances surrounding the incident. Complaints alleging major infractions against a police officer must be duly sworn to prior to any investigation. Except in cases involving MPD conduct in schools, including school-based arrests.

   d. A complaint against a law enforcement officer, alleging major infractions in the execution of his duties, may not be investigated unless the complaint be duly sworn to by the aggrieved person, if
competent, or lawful designated representative if not, or by the parent or guardian in the case of a minor child or legally disabled adult before an official authorized to administer caths. Except in cases involving MPD conduct in schools, including School-Based arrests.

3. Anonymous or uncooperative complainant-Anonymous complaints are not, per se, excluded from investigation. Anonymous callers will be referred to the OIA. Efforts should be made to gain the cooperation by their very nature, are difficult to substantiate, yet this should not preclude a preliminary inquiry into the complaint. The investigation will be terminated when no additional evidence can be obtained. The case will then be documented and the subject officer may be informed of the nature of the complaint and the result of the investigation. All anonymous complaints and complaints involving uncooperative complainants that pertain to MPD conduct in schools, including School-Based arrests, will be documented and investigated.

4. The complaining party has 7 days to return the complaint form. Except for complaints involving MPD conduct in schools, including School-Based arrests, those forms returned after 7 days shall not be processed.

5. The OIA officer shall then assign the notarized complaint a case number to be used in routing and identification.

6. Nothing precludes the Department from investigating allegations against police officers from whatever source consistent with law when it is determined that such investigation is in the best interests of the Department.

7. Any Department employee who subjects a complainant or witness to recrimination shall incur appropriate disciplinary action. This in no way, however, prohibits the right of an officer to bring suit arising out of his duties as a police officer.
8. Any Citizen Complaint filed regarding MPD conduct in schools, to include a School-Based arrest situation, shall be investigated by IA. The complaints will not be required to be "duly sworn."

B. Complaint by an Employee of the Department

Any employee desiring to file a complaint against another employee of the Department will document the identical information prescribed above for a citizen's complaint, and submit it through the chain of command.

VII. INVESTIGATION

A. Complaint Review- The following procedures shall be utilized to review all citizen complaints filed with the OIA:

1. The OIA Investigator shall without investigation or comment and within 48 hours of receipt, forward all properly filed citizen complaints to the Chief of Police for review.

2. The Chief will review the citizen complaint and make the determination, based upon where the complaint would be efficiently and effectively handled, that:

   a. The matter shall be handled on the Division level, or

   b. The matter shall be handled on the Watch Command level, or

   c. The matter shall be forwarded to the OIA for investigation.

3. The determination and assignment shall be made within 24 hours of receipt of the citizen complaint by the Chief of Police.

B. Complaint Assignment

1. The Chief of Police will forward the complaint, within 24 hours, to the person most appropriate for complaint investigation.
2. He/she shall also assure that all citizen complaint investigations should be, if at all possible, completed and returned for processing by the Chief of Police within 7 days of receipt. If an investigation officer finds that more than that time will be needed to complete the investigation, a written request for extension of time shall immediately be forwarded to the Chief of Police, who shall respond within 24 hours.

C. Investigations by the Office of Internal Affairs

1. No investigations will be initiated by OIA without the prior knowledge and written direction of the Chief of Police. Except in cases involving MPD conduct in schools, to include School-Based arrests.

2. Once the investigation of a case assigned to the OIA is completed, the OIA shall forward the investigative results to the Chief. The officer in charge or investigator will review the findings and be responsible for making the FIRST recommendations concerning the procedural and substantive disposition of the case. If the Deputy Chief feels that additional investigation is necessary on the completed case, it will be returned to the OIA with specific instructions on what additional information is required to make a recommendation.

3. Once the officer in charge or investigator has completed his/her final review of the internal affairs case file and has made his/her recommendations concerning disposition, the OIA officer/investigator shall forward the case file to the Chief for his/her inquiry, review and recommendation. As with the first review, if the Chief determines that additional investigation is necessary for making a recommendation, it will be returned to the OIA with specific instructions on obtaining the required information. Once the Chief is satisfied that all necessary and available information has been obtained concerning the case and his/her recommendation, it shall be ready for final review and disposition.

D. Reporting Procedures
1. The OIA shall, on a monthly basis, forward to the Deputy Chief a written report detailing the open and closed investigations involving School-Based arrests in OIA records and the status of any open investigations, as well as the number of juveniles referred to MPD that month by the Meridian Public School District. The report should include information regarding the juvenile’s age, race, and gender, as well as the race and gender of the officer and the misconduct alleged. The Deputy Chief shall then file a report with the Chief based on the OIA report. The Chief shall assess the need for improvements to training based on any patterns and trends noted in the report regarding School-Based arrests.

2. The statistical information contained in the reports shall be made public on the City’s website on a semi-annual basis.

3. All files with all documents, notes, etc. relevant to the issues of the cases shall be, upon completion of all activity concerning it, returned to and preserved by the OIA officer for three years. All files shall, for purposes hereof, mean all complaint files originating with the OIA office, irrespective of who/what performed the investigation.

E. Final Disposition

1. All apparent violations of law, ordinance, Rules, Regulations, Articles and General Orders shall be noted when the final report is forwarded to the Chief for review and action. Once the final investigative report is filed with the Chief of Police by the OIA officer/investigator, the Chief will review the recommendation and case findings to determine the appropriate course of action. Except in extraordinary situations, the Chief shall, within 72 hours, make a final determination on the case.

2. Once the final disposition is completed, the officer shall be notified and a copy of the results of the action shall be forwarded to the OIA for inclusion in the case file.
VIII. ADMINISTRATION OF DISCIPLINE

A. General

As a direct result of an internal investigation of an allegation which is classified as a major infraction, the procedure for discipline and suspension of the employee (if necessary) shall be consistent with the applicable section of the City's Civil Service Rules. All disciplinary actions of the Department employees resulting in suspension, reduction in rank/pay, or dismissal of an employee shall be recorded with the Officer in Charge of the OIA Unit utilizing proper forms. The employee being disciplined shall retain all rights under civil service.

IX. EMERGENCY ACTION

A. Whenever improper conduct of an employee is observed by any supervisor, it shall be the responsibility of that supervisor to inform the offending employee's supervisor for possible disciplinary action.

B. In cases where the violation is a major infraction or emergency nature, the following actions may be taken by the appropriate supervisor, (Captain or above) who may relieve an employee from duty on an emergency basis when in the best interest of the Department. Such relief from duty will remain in effect until 1000 hours on the next day, unless otherwise directed by competent authority (Captain or above). At that time, the supervisor effecting the relief will report the action to the Chief or designee.

C. An employee may be placed on administrative leave when charged with a criminal offense. Also, an employee may be placed on administrative leave, at the discretion of the unit commander, when involved in a shooting or as the operator of a city vehicle involved in a fatal accident.

1. When the circumstances of an event fall within those described above, the highest ranking on duty officer in the organizational entity to which the employee involved is assigned will notify said employee that he is being placed on administrative leave effective immediately. Immediately after taking such action, the
highest ranking officer will make verbal notification via telephone to the Chief. Thereafter, all pertinent facts regarding the incident will be documented in a memorandum and forwarded to the chief of Police via the chain of command within 24 hours.

2. Circumstances other than those enumerated in Section A, when, in the opinion of the highest ranking on duty officer of the organizational entity involved warrant placing an employee on Administrative Leave or reassignment to staff duties; the Chief or his designee will immediately be notified and will have the final authority for granting or rejecting the action.

D. Emergency suspension may be imposed by the Mayor, Chief or designee when it appears that the action is in the best interest of the public and the law enforcement agency. Any person so suspended shall be entitled to a prompt hearing.

X. DISCIPLINARY ACTION/APPEAL PROCEDURE

A. When any disciplinary action is taken against an employee, a written statement of the specific reasons for the action shall be given at the time of the action. See Appendix 2A and 3.

B. The disciplined employee shall have the right to have the disciplinary action reviewed pursuant to Meridian Civil Service Commission Rules and Procedures.

Distribution: All Personnel
Master file
MIRANDA - GARRITY WARNING

(To be used when a member is being questioned about matters which could result in criminal prosecution against him/her and no decision has been made as to whether or not the member’s statement will be used against him/her in a criminal prosecution.)

At this time, I would like to question you concerning (state the general nature of the matter under investigation). This questioning concerns criminal matters. You (are) (are not) under arrest. (If the person being questioned is suspected of committing a crime, he/she should be informed of the specific offense for which he/she is suspected, unless such disclosure would endanger the investigation).

I am now going to advise you of your rights as established by the Supreme Court in cases of Miranda v. Arizona and Garrity v. New Jersey.

First, you have the right to remain silent. You are not required to say anything at any time or answer any questions. If you do make a statement or answer questions, anything you say can be used against you in a court of law.

Second, you have the right to talk to a lawyer for advice before making a statement or answering any questions and you may have a lawyer present with you during questioning if you wish. If you do want a lawyer present but cannot afford one, a lawyer will be provided for you. If you want to answer questions no without a lawyer present, you still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk with a lawyer.

Third, even though you are an employee of the City of Meridian Police Department, and ordinarily you would be required by regulations to answer questions put forth to you by a superior officer regarding your official duties, in this instance those regulations do not apply, and you will not be required to answer. If you do not wish to answer any of these questions, your refusal to answer alone will not subject you to disciplinary action by your employer.

Do you understand that I want to question you about criminal matters?

Do you understand that you do not have to make a statement or answer any questions?
Do you understand that if you do make a statement or answer questions, anything you say which incriminates you can be used against you in a court of law?

Do you understand that you have the right to talk with a lawyer and have one present during questioning?

Do you understand that if you do not wish to make a statement or answer questions, your desire to remain silent alone will not subject you to disciplinary action by the city of Meridian?

Do you have any questions concerning the rights I have just explained to you?

Do you want to talk to a lawyer?

Do you want to answer questions at this time?

I have read or had read to me the above. I understand all of same and I have answered the questions as shown.

______________________________
Officer/Employee under investigation

______________________________
Witness

______________________________
Witness
APPENDIX 1

CITY OF MERIDIAN
MERIDIAN POLICE DEPARTMENT
OFFICE OF INTERNAL AFFAIRS

GRIEVANCE FORM

Complainant name:
Complainant address:

Telephone Numbers:  Home:  Work:  
Date of Incident:
Location of Incident:
Name of Officer Involved:

Description of your Grievance (if presented in writing, attach copy)

Corrective action or Personal Relief sought by complainant

Complainant Signature Date:  
OIA Control Number:

(Complaints regarding MPD conduct in schools, to include School-Based arrests need not be Sworn)
SWORN TO AND SUBSCRIBED before me on this the ____ day of  
__________________ , 20__

NOTARY PUBLIC

My Commission Expires:

FOR INTERNAL AFFAIRS USE ONLY:
Received by:  Date Received:  
APPENDIX 2

SMITH, John Q.
999 River Road
Anytown, MS 39999

ENCLOSURE SECTION

(This section will list all documented material here, i.e., Police report, shift commander’s lineup, photos, etc.)

1. Memorandum dated July 17, 1989 from _______ to
__________________________ directing this investigation

2. Letter of complaint from JONES, Sally S.


4. Photo of damage to police cruiser - Stock #713

5. Memorandum dated July 19, 1989 to Officer John J. Doe
from Lt. D.E. Smith, advising him of his investigation in
accordance with the Law Enforcement Officers’ bill of
Rights.

6. Transcript of recorded statement of Officer John J. Doe

POSITION STATEMENT

The OIA shall make interim reports to the Assistant Chief
or designee and shall deliver to said Assistant Chief or
designee a final report, including the total file and evidence
within a reasonable time, and shall not be involved with,
related to or responsible for the outcome, results or
decisions.
APPENDIX 2A
STATEMENT OF DISCIPLINARY ACTION

DATE: ________________________________

TO:  
NAME  CLASSIFICATION

ADDRESS  CITY  STATE

FROM:  
NAME

TITLE  DEPARTMENT

Disciplinary action is taken against you effective:

HOUR  DAY  MONTH  DATE  YEAR

As of that date you are ________________________________

This action is taken against you for the following reasons:

(use and attach additional sheet if needed)

You have the right to seek a review by a hearing examiner designated by the Civil Service Commission of this disciplinary action. Your request for such a review must be made in writing and filed in the office of the Executive Secretary of the Board within 10 days from your receipt of this statement of disciplinary action. The executive Secretary’s office is ___________________. Specific information as to the preparation of your request can be provided by the Civil Service merit Board staff. Their phone number is ______________. Further, you have the right to be represented by counsel or another representative throughout the entire review process.

If you wish to avail yourself of your right to a review by a hearing examiner, please use the attached form provided for that purpose. (Request for review of Disciplinary Action)

Signature  Title
APPENDIX 3
ACKNOWLEDGEMENT OF RECEIPT

I, ______________________, hereby acknowledge receipt of the foregoing Statement of Disciplinary Action, Request for Review of Disciplinary Action, and summary of pertinent procedures to be followed in the review process, all of which were served on me this the __________ day of __________, 20___

CERTIFICATION OF SERVICE

I, hereby certify that I served the foregoing documents on ______________________ (NAME), at ______________________

(ADDRESS) in ______________________, (CITY OR COUNTY) at ____, (TIME) on this the __________ day of __________, 20___
APPENDIX 4
MERIDIAN DEPARTMENT OF POLICE
OFFICE OF INTERNAL AFFAIRS

CITIZEN COMPLAINT INFORMATION

To the Citizens of Meridian:

A relationship of trust and confidence between employees of the Police Department and the community they serve is essential to effective law enforcement. Law enforcement officers must exercise their trained judgment and to take enforcement action in a reasonable, lawful and impartial manner without fear of reprisal, while at the same time having a special obligation to respect the rights of all persons.

The Meridian Police Department acknowledges its responsibility to establish a system of complaint and disciplinary procedures which not only will subject the officers to corrective action when they conduct themselves improperly but also will protect them from unwarranted actions when officers discharge their duties lawfully.

It is the purpose of these procedures to provide a prompt, open and expeditious disposition of complaints regarding the conduct of employees of the Department of Police. To this end, citizens are encouraged to bring complaints about Department operations and the conduct of its employees to our attention whenever they believe that such an act is improper.

Should you have any questions regarding these procedures, please contact the Office of the Chief or designee during normal business hours, Monday thru Friday. The Department’s procedural directive on citizen complaints is also available for inspection, upon request.

Sincerely,

Chief of Police

Telephone Number 485-1843
APPENDIX 5
FORMAT OF INTERNAL INVESTIGATION REPORTS

DATE

TO:

FROM:

SUBJECT: FILE: OIA

ACCUSED: DOE, John j. - MCP
If more than one officer, list all accused officers

COMPLAINANT: JONES, Sally S.
12345 Any Street
Your Town
Phone

VICTIM: (used only if complainant is different than victim)

ALLEGATION: (1) CONDUCT UNBECOMING A OFFICER (Give allegations heading corresponding with written directive.)

To wit: Jones alleges that on July 4, 1976 DOE called him a "son of a gun" during a traffic stop.

(2) List all other allegations

INVESTIGATION: LT. D.E. Smith

SUMMARY OF COMPLAINT: Summarize the complaint

REPORT OF INVESTIGATION: Use this area to explain the investigation and what was found during the investigation.

SUMMARY OF WITNESS STATEMENTS: All witness statements will be summarized, including
the accused officer's statement, if given.

JONES, Sally S.
12345 Any Street
Your town, MS 39301
Telephone

(Summary of Statement)
APPENDIX 6

INTERNAL INVESTIGATION NOTIFICATION

TO:

FROM:

SUBJECT: Internal investigation

DATE:

In compliance with Departmental Rules, you are hereby notified that you are the subject of an internal investigation being conducted by this department.

The nature of the investigation is as follows:

Name, rank and assignment of the officer in charge of the investigation:

________________________________________

Please acknowledge receipt of a copy of this memorandum.

________________________________________   __________________________
Officer                                              Date

Witness: _________________________________________

(The officer under investigation has the right to have an attorney or other responsible representative of their choice present during interrogation)
Memorandum of Understanding Between

The Meridian Police Department

And

The Meridian Public School District Police Department

WHEREAS, the City of Meridian ("City") through the Meridian Police Department ("MPD"), and the Meridian Public School District ("MPSD") through the Meridian Public School District Police Department ("MPSD PD") seeks a Memorandum of Understanding setting forth the parameters and obligations to effectuate a proper "School-Based Arrest" and protect the constitutional rights of juveniles while attending school; and

NOW THEREFORE, it is hereby agreed by and between the parties as follows:

I. DEFINITIONS:
   A. "Child" and "youth" are synonymous and refer to all person(s) subject to the jurisdiction of the Lauderdale County Youth Court, as set forth in Miss. Code Ann. §43-21-151, including all persons under the age of 18 taken into custody by a law enforcement officer.
   B. "Court" refers to the United States District Court for the Southern District of Mississippi.
   C. "Effective Date" means the date that this Settlement Agreement is approved and entered by the Court.
   D. "Guardian" refers to a parent, legal guardian or other responsible family member of the youth.
   E. "Include" or "Including" means "include, but not limited to" or "including, but not limited to."
   F. "Judge," "Judges," "Youth Court Judge," "Youth Court Judges" or "Youth Court" means the Judges of the Lauderdale County Youth Court.
   H. "Policies and Procedures" means the guiding principles or processes that staff are required to follow. For the purpose of this Agreement, policies and procedures shall include Lauderdale County Youth Court rules, manuals, and administrative directives.
   I. "Referral" shall mean an request for law enforcement action by the Meridian Public School District
   J. "School-Based Arrest" means an arrest of a student on property controlled by the Meridian Public School District while the student is attending school. This
definition includes the arrest of students at school programs or events and the arrest of juveniles being transported to and from school on buses controlled by the Meridian Public School District. This definition does not include the arrest of juveniles at events that are advertised to the general public or involve students from other school districts.

K. “Shall” means that the provision imposes a mandatory duty.

L. “Staff” means all individuals employed by the City who are involved in the implementation of this Agreement.

M. “MPD” means the Meridian Police Department

N. “MPSD PD” means the Meridian Public School District Police Department

O. “Train” means to instruct in the skills addressed to a level that the trainee has demonstrated proficiency to implement those skills as, and when, called for in the training.

P. “Trained” means to have achieved such proficiency.

II. RESPONSIBILITIES of the Meridian Public School District Police Department within the Meridian Public School District.

Having authority and jurisdiction as determined by Miss. Code Ann. § 37-7-321, the Meridian Public School District Police Department will handle or lead in law enforcement-related matters of the Meridian Public School District. Any law-enforcement related referral of a student by the Meridian Public School District shall be made to the MPSD PD.

The Meridian Public School District Police Department will assist with any Judicial Order specifically directing the arrest of a student while on school campus and attending school. The Meridian Public School District Police Department will assist with the arrest and/or taking into custody of any student and/or member of staff during school operating of hours. Such assistance will help to minimize as best possible, disturbances to the school campus environment.

III. RESPONSIBILITIES of the Meridian Police Department within the Meridian Public School District.

The Meridian Police Department’s role within the Meridian Public School District is a limited one. It is not the MPD’s role to enforce school disciplinary rules or punish students for misbehavior. The purpose of MPD’s involvement in school-based incidents is to assist the MPSD PD in maintaining safe and orderly schools and to provide an additional law enforcement resource should serious incidents take place within any school. In general, MPD involvement shall only be requested when
specifically required by Miss. Code Ann § 37-11-29; when necessary to protect the physical safety of students or school personnel, or public safety; or when appropriate to address the criminal conduct of persons other than students. MPD involvement should not be requested in a situation that can be safely and appropriately handled by the school district’s internal disciplinary procedures and the MPSD PD. District personnel shall contact MPD after receiving authorization from the Superintendent or the Assistant Superintendent of Student Services, except in an emergency situation involving a serious and immediate threat to students, school personnel, or public safety.

IV. Arrest and Probable Cause

The MPD and MPSD PD acknowledge their responsibility to adopt practices, policies, procedures, and training pursuant to their respective consent orders which are consistent with the principles below:

A. MPD officers shall only conduct school-based arrests of juveniles under the following circumstances:

i. The officers have probable cause, to the extent required by law, to believe that a juvenile has committed a felony; or

ii. A criminal offense that involves a real and immediate threat to students, teachers, or public safety; or

iii. A misdemeanor or other indictable offense that occurs in the officers’ presence, except for offense identified in (E)(i); or

iv. A judicial warrant or custody order specifically directs the arrest of a student in a school.

B. MPD officers shall avoid executing a judicial warrant at a school. A felony warrant may be executed at a school when it is not practical to conduct the arrest at alternative locations.

C. MPSD PD officers shall not effect arrests on school grounds, except where a student poses a serious and immediate threat to student, teacher, or public safety and the requirements of Mississippi Code § 99-3-7 are satisfied; or a judicial warrant specifically directs the arrest of a student in school; in all other instances the arrest warrant shall be executed at a location other than a school.
D. **MPSD PD officers** shall not make any arrest without establishing probable cause that the student has committed an unlawful activity, as defined in Mississippi Code § 37-11-29(6).

E. **MPD and MPSD PD officers** shall not effect school-based arrests or respond to requests for school-based arrests for behavior that is appropriately addressed as a school discipline issue, including incidents involving:

i. Public order offenses including disorderly conduct, disruption of schools or public assembly, trespass, loitering, profanity, dress code violations and fighting that does not involve serious physical injury or a weapon.

F. **MPD and MPSD PD officers** must document in sufficient detail the basis for any school-based arrest, including any factors that justify arresting the youth at school and factors that support a determination of probable cause.

G. **MPD and MPSD PD officers** must provide a Miranda warning as soon as a juvenile is placed in a situation where a youth, based on the youth's mental and psychological maturity, would reasonably believe that they are not free to leave.

H. **MPD officers** effecting arrests of students on MPSD property must notify the juvenile's parent or guardian of the arrest as soon as practicable, generally no more than three hours after the arrest. If a parent or guardian is not notified within three hours, the arresting officer must document, in writing, the reason for the delay.

I. **MPD and MPSD PD officers** shall only interview a detained youth in the presence of the juvenile's guardian or attorney.

V. **Training**

MPD and MPSD PD acknowledge their responsibility to provide officers with pre-service and annual in-service training pursuant to the terms of their respective consent orders under the following conditions:

A. All training shall be conducted by qualified instructors.
B. MPD shall provide roll call trainings regarding these policies as needed.
C. MPSD PD shall provide roll call trainings regarding these policies as needed.
D. MPD and MPSD PD shall document that all officers have received the required training.
VI. Civilian Complaints and Discipline

MPD

A. The MPD acknowledges its responsibility under the consent order to ensure an effective process is in place to consider complaints regarding MPD conduct in the schools, including school-based arrests. MPD shall ensure that community members, including students and parents or guardians, have access to complaint forms to express concerns about MPD. To achieve this outcome, MPD shall ensure that complaint forms are available from the MPD and at City Hall, public libraries and police stations. MPD shall also make the complaint form available on its website and work with the Meridian Public School District to make forms available at the schools.

B. The MPD acknowledges that officers who violate school based arrest policies shall be held accountable through the department’s disciplinary system.

MPSD PD

A. MPSD PD acknowledges its responsibility under the consent order to ensure that an effective process is in place to consider complaints regarding MPSD PD conduct in the schools, including school-based arrests. MPSD PD shall ensure that community members, including students and parents or guardians, have access to complaint forms to express concerns about MPSD PD. To achieve this outcome, MPSD PD shall ensure that complaint forms are available from the MPSD PD and MPSD Central Office, and all MPSD schools. MPSD PD shall also make the complaint form available on its website.

B. The MPSD PD acknowledges that officers who violate MPSD PD’s juvenile arrest policies shall be held accountable through the department’s disciplinary system.
VII. Disclosure of School Disciplinary Information

The Meridian Public School District shall not communicate any information regarding a student's school discipline record to any external entity, including the MPD, the Lauderdale County Youth Court or Juvenile Center, the Rankin County Juvenile Detention Center, or the Mississippi Division of Youth Services, unless ordered by a court required by state law.

VIII. Conflict of Interest

It is acknowledged by all parties that the MPD and the MPSD PD are separate law enforcement agencies with separate policies, procedures, and command structures. It is further acknowledged that certain officers are employed by both the MPD and MPSD PD. The MPD and MPSD PD share a common interest in maintaining competent and qualified officers, and an officer's ability to earn additional compensation should be allowed in order to ensure that the region will be able to be competitive in the hiring of officers.

Concurrent employment by the MPD and MPSD PD will require an officer to acknowledge and address potential conflicts that may arise. As such, an officer employed by both the MPD and MPSD PD must comply with the following conditions:

A. At no time may an officer be on duty and serve in a dual role as an officer of the MPD and MPSD PD at the same time.
B. MPD and MPSD PD officers employed by both agencies are required to sign a receipt and acknowledgement document which certifies their understanding and cooperation with the MOU.
C. MPD and MPSD PD officers employed by both agencies must timely notify the appropriate supervisor of any incident involving an individual that may have been, or is currently, the subject of an investigation in another agency.
D. MPD and MPSD PD officers may assist one another in accordance with this MOU.
IX. Savings Clause

MPD and MPSD PD officers are bound by the policies, laws, and legal agreements governing the agency they are on duty with. If any provisions of this Memorandum of Understanding conflict with the obligations of either the MPD or MPSD PD pursuant to the Settlement Agreement entered into U.S. v. City of Meridian et al, No. 4:12-CV-168 (S.D. Miss. Filed Oct. 24, 2012), or the Consent Order entered into Barnhardt et al v. Meridian Municipal Separate School District et al, No. 4:65-CV-01300-HTW-LRA Document 32-I (S.D. Miss. Filed March 22, 2013), that provision will be inapplicable to the agency that has conflict. However, the other provisions of this Memorandum will remain in effect.
NOW, THEREFORE, we, the undersigned, have read and agree with this Memorandum of Understanding.

City of Meridian

Meridian Public School District

Meridian Police Department

Meridian Public School District Police Department
CITY OF MERIDIAN
MERIDIAN POLICE DEPARTMENT
OFFICE OF INTERNAL AFFAIRS

GRIEVANCE FORM

Complainant name: Thomas Austin
Complainant address: 1015 N 8TH AVE, PENSACOLA, FL 32501
Telephone Numbers: Home: (850) 426-6118 Work:
Date of Incident: 10/11/2017
Time of Incident: 00:00 a.m.
Location of Incident: Hotel 9
Name of Officer Involved: Unknown but on video
Witness Information:

Description of your Grievance (if presented in writing, attach copy)

18 U.S.C. 242 violation with video evidence of kidnapping. I will prosecute this offense to the fullest extent of the law.

Corrective action or Personal Relief sought by complainant

$27,000 punitive damages.

Complainant Signature_____________________ Date: 10/11/2017
OIA Control Number:_______________________

(Complaints regarding MPD conduct in schools, to include School-Based arrests need not be Sworn)

SWORN TO AND SUBSCRIBED before me on this the ___ day of ___________________, 20___

______________________________
NOTARY PUBLIC

My Commission Expires:

______________________________

FOR INTERNAL AFFAIRS USE ONLY:

Received by: ____________________ Date Received: __________
You must fill in the boxes marked *

Complainant Name:

Complainant Address:

Home Telephone:

Work Telephone:

Date of Incident: (MM/DD/YYYY)

Time of Incident: (HH:MM) • a.m. • p.m.

Location of Incident:

Name of Officer Involved: (Enter "Unknown" if You Don't Know)

Witness Information:

Description of Your Grievance
(750 Character Limit)
(If Presented in Writing, Attach Copy to Printed PDF):
Corrective Action or Personal Relief Sought by Complainant: