

Report of Findings of Incident Review Committee Hobgood School Juvenile Arrests

At the direction of Chief Karl Durr a committee was impaneled on April 19, 2016 to conduct an after-action review of the arrests on April 15 of four juveniles at Hobgood Elementary School. The committee's mandate was to focus on the events related to the arrests that occurred following the issuance of juvenile petitions. The goal of the committee was to determine if the actions of our officers were in compliance with policies and procedures, identify any areas for improvement in the future, identify any policies, procedures or training issues needing review, and determine if internal communication channels functioned properly.

A list of persons who might have knowledge relating to the review was developed and interviews of those persons were conducted. As those interviews progressed, the committee met daily to discuss new information as it was gathered and had discussions focused on our goals. Once all interviews were conducted and the information we gathered was analyzed, we jointly agreed on issues of concern in order to issue this report of our findings.

Executive Summary

Petitions issued by the Judicial Commissioner were obtained by Officer Templeton as a result of an incident that took place outside of the Hobgood School Campus. Of the ten petitions obtained, four juveniles, ages 9 to 11, were arrested at the school on Friday, April 15, 2016. MCS requested that the arrests occur prior to 1420 hours when the school buses and parents arrived in order to ensure privacy concerns of the juveniles.

Two of the four juveniles were handcuffed in the school office and walked to patrol cars at which time one was uncuffed prior to being transported. The other two juveniles were later transported without being handcuffed. After being transported to the Juvenile Detention Center, the juveniles were later released to their parents.

Several Areas of Concern and Opportunities for Improvement with respect to supervision and communications are identified as a result of the above action. Additionally, Departmental policies are identified for additional review and consideration.

Chronology of Incident



[REDACTED]

[REDACTED]

On the morning of the 14th Sgt. Walker, Officer Templeton's direct supervisor, attends the regular bi-monthly principals' meeting at the Murfreesboro City Schools (MCS). Sgt. Scott Newberg, Uniformed Division supervisor, is also in attendance in his role as Code Red training provider to the schools. Dr. Tammy Garrett, Hobgood Elementary Principal [REDACTED]

While the principals' meeting was in progress, Templeton called SSEO Mark Todd to arrange to come to [REDACTED]. Todd was hesitant to do this due to some tension at the school regarding the earlier arrests at Hobgood by personnel from the Rutherford County Sheriff's Office on the case being prosecuted by our Special Victims Unit. During contact with Dr. Garrett, Todd is informed not to conduct any interviews until she returns to the school.

At approximately 1700 hours during a special event at Hobgood, Templeton called Todd and is put on speaker phone with Dr. Garrett present. Templeton told Dr. Garrett that the arrests will be made on Friday. Templeton assured Dr. Garrett that no one will be handcuffed, that she would be on site to do the arrests, and that the arrests would be handled in a low-key manner.

At approximately 1730 hours, Lisa Trail with MCS contacted Sgt. Newberg because she is unable to contact Sgt. Walker. She expressed concerns to him about the tensions resulting from the previous arrests at Hobgood. At approximately 2030 hours, Walker and Newberg spoke by phone and Newberg relayed Ms. Trail's concerns to Walker. Walker asked Newberg if he would assist the SSEOs Friday if they needed help because he would be on vacation that day. There is no indication that Walker contacted his chain of command with this information or that he was aware that the juveniles had been identified or that arrests would be made.

Newberg also received a call at approximately 2030 hours from Templeton [REDACTED] that she would be speaking with an Assistant District Attorney on Friday concerning possible charges.

Todd and SSEO Ava Radley also had communicated with each other on this date. Both were concerned about the situation due to the tension at the school from the previous arrests and whether [REDACTED] merited arrests. These concerns were never expressed to their supervision.

On Friday, April 15 at 0835 hours, Templeton called Lt. Steve Teeters to let him know she is not at her assigned school due to being involved in obtaining juvenile petitions. Templeton was also in contact with Dr. Garrett periodically throughout the day. Dr. Garrett expressed to Templeton that she would prefer any arrests occur on Friday.

At 0945 hours, SSEO Todd called Lt. Teeters to inform him he is feeling ill and needed to go home. Sgt. Newberg temporarily assumed Todd's duties at Hobgood because of tensions at the school due to the previous arrests. SSEO Williams arrived at Hobgood at 1000 hours to relieve Newberg. Officer Williams was not aware that any arrests would be made when he arrived. He checked Hobgood and returned to Mitchell-Neilson school.

At 1051 hours, Dr. Garrett received a text message from Templeton requesting information on the parents' names and addresses of juveniles at the school for the petitions she is obtaining. Dr. Garrett assumed that all the juveniles whose names Templeton sent her would have petitions issued for them. It was learned during this inquiry that a petition was denied for one of those juveniles, but once the process of arresting those juveniles began, that information was never relayed to Dr. Garrett or anyone at Hobgood.

At 1100 hours, Sgt. Newberg contacted Capt. Cary Gensemer and Capt. Alan Smith (Uniformed Division) to notify them that the arrests at Hobgood will occur later in the day. He stated he is coordinating to insure that these are handled differently than the previous arrests, which resulted in the tensions previously noted. Sgt. Newberg also contacted Dr. Linda Gilbert, Director of MCS, who told him she wants the arrests made prior to school dismissal at 1420 hours to ease the embarrassment upon the students.

It is unclear exactly when it occurred, but at this general point in the timeline Sgt. Newberg was in contact with Templeton. He advised her to coordinate with SSEO Williams to make sure the juveniles were brought to the Hobgood office and not to make the arrests in the classroom.

At 1244 hours, Lt. Teeters received a call from Templeton to discuss the charges for which the petitions were obtained. Lt. Teeters expressed this was the first time he became aware of the video or impending arrests.

Sgt. Newberg is contacted by Templeton who states Williams is arguing with her about the arrests and not wanting to assist. Sgt. Newberg called Williams at 1348 hours and said the petitions have been issued by the Judicial Commissioner, reviewed by the Assistant District Attorney, and that the arrests are going to take place. Williams expressed his disagreement with the arrests and opinion that this is not the time to make the arrests. Williams was instructed to assist in making the arrests now. (Sgt. Newberg is at police headquarters at the of the call with Williams taking care of end of shift duties for his patrol shift).

At 1352 hours, Dr. Garrett texted Templeton concerned about the timing of the arrests. She inquired if the arrests could be made at their homes because dismissal was about to begin. No response was received from Templeton.

At 1357 hours, Williams attempted to call Lt. Teeters, but there was no answer. He immediately called Major Clyde Adkison to explain his concerns with the investigation and making the arrests at the school. Major Adkison asked who was making the arrests and was told Patrol was making the arrests. Major Adkison asked if he had spoken to a Patrol supervisor about the arrests since he (Adkison) was not the arresting officer. Major Adkison expressed liability concerns to Williams if the arrests were not made.

At 1402 hours, Williams talked to Templeton (who is at the Juvenile Detention Center (JDC), not at Hobgood) and asked her to wait until after dismissal or to not arrest the juveniles at the school. She said the petitions are signed and the arrests will proceed. Williams asked to call the parents to let them know. Templeton told him not to that she will contact them from JDC.

At 1407 hours, Lt. Teeters returned a missed call to Williams. Williams expressed his concern about embarrassment to the juveniles if the arrests proceed because parents have begun to arrive at the school to pick up their children since dismissal time is 1430 hours. Lt. Teeters agreed with Williams. Williams asked Teeters to call Newberg with this information.

Newberg obtained approval from Lt. Tom Sissom, evening shift commander, to use two evening shift officers to transport the juveniles from Hobgood to JDC. These officers, Jeff Carroll and Albert Miles, were instructed to meet Williams at the school and make sure the arrests were made before school was dismissed. Once the officers arrive at the school there is a discussion about Williams conversation with Teeters and waiting till dismissal.

Lt. Teeters called Newberg at 1411 hours to discuss waiting until after dismissal to effect the arrests. Sgt. Newberg advised Teeters that Dr. Gilbert requested the arrests done prior to dismissal. Teeters told Newberg that one of the juveniles needs medication at dismissal time and they agree that the juvenile could be transported after dismissal. At 1413 hours Teeters told Williams that the arrests will proceed.

Lt. Teeters said that in hindsight he should have slowed things down and halted the arrests because the time had run out on effectively making the arrests prior to dismissal. He had made the assumption that Sgt. Newberg was on scene at Hobgood.

Dr. Garrett brought three juveniles to the office. One juvenile was not in a classroom, but was waiting for bus transport home. One of the initial three juveniles had a medical condition that required treatment at dismissal prior to leaving the school. The decision was made to allow this juvenile to remain at Hobgood for this treatment.

Officer Carroll and Officer Miles each took one juvenile into custody, handcuffed them in front of their bodies and escorted them to their respective patrol unit. When Miles got to

his unit he uncuffed the juvenile prior to transport. Officers Carroll and Miles relied upon information provided by other officers as to who to transport. Prior to arrival at JDC Carroll and Miles meet at Mercury Plaza on Middle Tennessee Blvd. and Officer Miles transferred his juvenile to Carroll. Carroll saw this juvenile is not cuffed and did not place handcuffs on this juvenile.

Officer Miles returned to Hobgood to transport the juvenile with the medical condition who had then received that treatment and the fourth juvenile who had then been brought to the office. Miles and Williams agreed that these juveniles should not be handcuffed. The juveniles are escorted to Miles patrol unit and transported to JDC.

Once Carroll arrived at JDC, Templeton asked why he had transported one of the juveniles. Carroll informed her that the principal was going off the list that Templeton provided earlier. [REDACTED] and as a result no petition was issued for this juvenile. That juvenile was released to the parents.

At 1521 hours, Williams called Major Adkison to express his concerns about the arrests. He indicated he was considering resigning from the department and Adkison should look into the matter. Adkison advised Williams to calm down and not act hastily, but to wait over the weekend and talk to Sgt. Walker on Monday. Adkison did not ask why he wanted to resign, but said he assumed it was due to the arrests.

On Saturday, April 16 Templeton became aware of a video posted by Reverend James McCarroll. That video expressed concerns about the arrests that had occurred on Friday. She forwarded the video to Sgt. Walker and Sgt. Newberg. She did not speak with Sgt. Walker, instead they communicated through text messages. Sgt. Newberg made his chain of command aware of the video as soon as he became aware of its existence.

Sgt. Walker at 1303 hours forwarded the McCarroll video to Lt. Teeters. They also spoke on the phone about the video, but the time of that conversation is unclear. Lt. Teeters did not speak with anyone else concerning the video until Monday morning. Major Adkison said he was unaware of the video until Monday morning while watching a newscast.

Findings of the Committee

After collecting and reviewing all the information available, the committee jointly agrees on the seminal issues and present the following for consideration:

Areas of Concern/Opportunities for Improvement

- Procedures for verification of active petitions conducted prior to custodial arrests
- SSEO supervision and active involvement in investigation
- Operations and on-scene supervisory control at time of arrest
- Administrative Division supervision proactively and fully addressing concerns of other officers
- Chain of command notifications by Administrative Division supervision

- Addressing conflicting orders across Divisional lines
- Assessment of proper urgency in effectuating arrests despite shrinking timeline
- Communications between investigating officer and school personnel
- Communications within the Administrative Services Division
- Specific direction regarding handcuffing to transporting officers
- Discussion with DA and Court regarding judicial requirement that requires juvenile suspects be arrested and prohibits Department from citing and releasing

Policies for Review or Implementation

- Handcuffing and Transporting Prisoners
- Establish protocol for juvenile operations in schools

Equipment and Supplies

- Develop reports specifically designed for use with juvenile victims/suspects

Training

- Handcuffing – Policy review and decision making included in all use of force training classes

Communications

- Establish regular briefing sessions with all SSEO personnel and supervision for information sharing purposes